

# CHURCH AND MANOR

A STUDY IN ENGLISH  
ECONOMIC HISTORY

SIDNEY OLDALL ADDY, M.A.











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HISTORY

BY

SIDNEY OLDALL ADDY, M.A.

AUTHOR OF

"THE EVOLUTION OF THE ENGLISH HOUSE," ETC.

12815-0  
1216113

LONDON

GEORGE ALLEN & COMPANY, LTD.

44 & 45 RATHBONE PLACE

1913

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Printed by BALLANTYNE, HANSON & Co.  
At the Ballantyne Press, Edinburgh

TO  
MY BELOVED WIFE AND HELPER  
IN THESE LABOURS





## PREFACE

OF late years various books relating to the unit of English territorial organisation known as the manor have appeared. Two or three of these deal with short periods, such as the eleventh or the thirteenth century, and the late Mr. Seebohm, in a masterly investigation, has surveyed a considerable part of the field. Notwithstanding the good work that has been done, an essential part of the subject has been omitted, or misunderstood. The manor and the ecclesiastical benefice have been regarded as entirely independent things. But the economic history of mediæval England will gain much in simplicity if it can be shown that lord and priest were once the same person; that the hall cannot at an early time be distinguished from the church; and that ecclesiastical benefices were themselves manors, with all the privileges which belonged to feudal lordship.

No treatment of the economic history of these islands can be satisfactory unless it includes the church-building and the benefice within its scope. To describe the scattered acres of the open fields, with all the complicated belongings of the village community, and yet leave out the building near which the frail and mud-built houses of the inhabitants were gathered, is to omit the chief point of interest, for the church was not only the place of worship but also the seat of local government.

It has been thought desirable to treat the evidence from architecture, as found in existing remains or referred to in documents, in considerable detail, because, if it can be proved that the church-fabric was evolved from the hall or lord's dwelling, a strong presumption arises, on that ground alone, that the benefice was the manor.

The writer has received help and suggestions from

friends which are here and there acknowledged in the text or notes. But there are others whose assistance he now desires specially to recognise. Mr. Joseph Kenworthy has supplied from his miscellaneous reading a variety of important facts. Mr. C. F. Innocent, A.R.I.B.A., Mr. Skill, of the Duke of Norfolk's office in Sheffield, and Mr. Willis Eadon, have made drawings and plans. Miss Mary Dormer Harris, whose scholarly edition of the *Coventry Leet Book* for the Early English Text Society has been of much service, has helped in some points of difficulty. Mr. C. J. Battersby, M.A., has advised on several points of Old English scholarship. Miss Ethel Lega-Weekes from her knowledge of Devonshire antiquities has communicated useful information about church-houses and other matters. Mr. Harold Armitage, of Letchworth, has kindly made some searches in the British Museum. The late Herr Rhamm, of Gratz, drew the writer's attention to numerous fortified churchyards in Germany. Mr. William Keeling has kindly made four of the drawings. The Rev. G. W. Hall, Vicar of Norton, has presented the writer with a set of the publications of the Canterbury and York Society, which have been very helpful.

The present volume was in the publishers' hands when Mr. Walter Johnson's *Byways in British Archæology*, 1912, appeared. The chapters in that valuable work which deal with "Churches on Pagan Sites" and "The Secular Uses of the Church Fabric" contain some pieces of evidence which had already been set down here. These have not all been excised.

SHEFFIELD,  
November 1912.

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# CHURCH AND MANOR

## CHAPTER I

### HALL AND CHURCH

A HUNDRED yards from the parish church of North Elmham, in Norfolk, is a large earthwork with a flat-topped, circular mound, about 10 feet high, in its north-west angle. Upon the southern edge of the earthwork is a ruined building known as the Bishop's Palace. Blomefield, the historian of the county, who wrote in 1739, calls the place Tower Hills, and it still bears that name. He says that in 1387 Henry Spencer, Bishop of Norwich, had a licence to embattle and make a castle of his manor-house at North Elmham, "which is now entirely demolished; the site of it was on a grand artificial hill or mount, on a rising ground, surrounded with a great and deep intrenchment, containing about 5 acres, formerly, no doubt, full of water, to which belonged a noble demean and a park. . . . The ruins are overgrown with thorns; heaps of stones and rubbish lie there. The entrance to this castle seems to have been on the east side."<sup>1</sup> The plan (Fig. 1) shows the contour of the earthwork and the relative positions of the Bishop's Palace and the church.

In 1891 the Rev. Augustus G. Legge, then Vicar of North Elmham, removed some of the rubbish in which the ruined building was partly buried, and the plan (Fig. 2) exhibits its shape and dimensions. It will be noticed that it is divided by a number of partition walls; that

<sup>1</sup> Blomefield's *Norfolk*, 1808, ix. pp. 486 f.

## CHURCH AND MANOR

two circular turrets, evidently added when the building was embattled, project beyond the wall on the south side; that it is oriented; and that it terminates toward the east in an apse. There are some ruined stairs, landings, cellars, and pits, and also doors and openings with ashlar

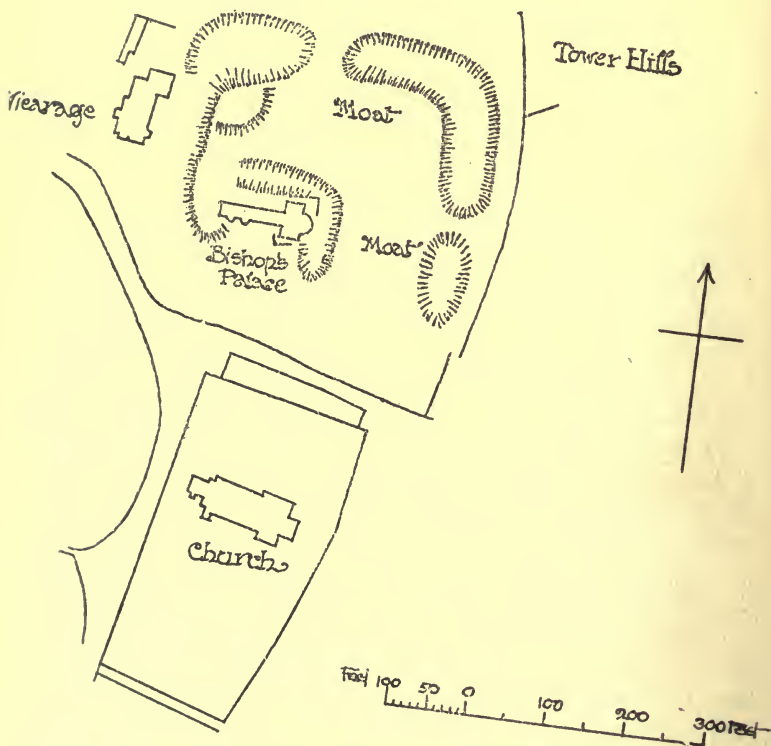


FIG 1.—Plan of Bishop's Palace and Earthworks, North Elmham.

jambs. At the western end are the remains of a square tower, with thick walls, which was ascended by a stair. Such being the appearance of the building it is not perhaps surprising to find it described by a writer in the *Builder* as "a large church of basilican type, having a long nave, a wide transept, and an eastern apse,"<sup>1</sup> or

<sup>1</sup> *The Builder*, vol. lxxxiv. p. 268.

that the Ordnance surveyors should have been induced to call it a "Saxon Cathedral and Bishop's Manor House." Professor Baldwin Brown also calls it "a ruined church," remarking that "the whole building is encumbered by additions and alterations of later date."<sup>1</sup> The writer in the *Builder* ascribes some of the partition walls to the thirteenth century, and says that the western tower is a later addition. The building in question, however, was not a church, but a manor-house or hall. A parish church was often built near the ancient hall.<sup>2</sup>

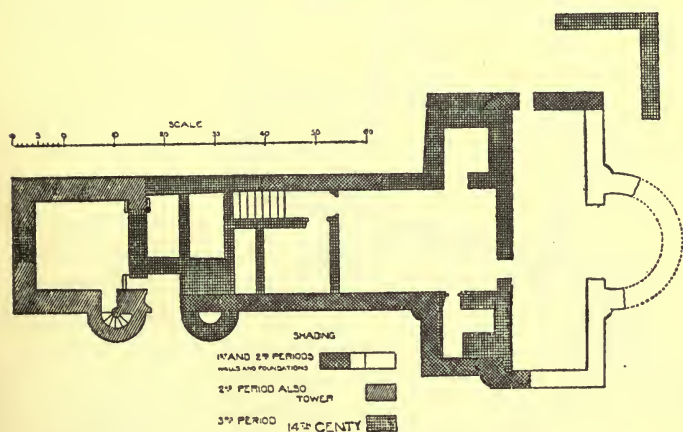


FIG. 2.—Enlarged Plan of Bishop's Palace.

At the junction of the nave and transept, if we may so call them, of the Bishop's Palace are the remains of two square towers, as the writer in the *Builder* describes them, or, as Professor Baldwin Brown speaks of them, two chapels. That they are the bases of towers seems indicated by the thickness of their walls, and by the similar position of the two towers in Cormac's Chapel, to be next described. It will be noticed that the south

<sup>1</sup> *The Arts in Early England*, ii. p. 221.

<sup>2</sup> "Et tunc fuit curia et mansum capitale juxta ecclesiam de Houcton ex parte de North."—Spelman's *Glossarium*, s.v. "curia." "Behind the parish church of Nigg, Kincardineshire, were to be seen about 1790 the foundations of a building 90 feet long, called the Bishop's House, and doubtless the remains of the old manor-place."—*Origines Parochiales Scotiæ*, ii. p. 458.



tower was entered through a narrow doorway, rebated for a door, and that the north tower was entered through a wider doorway. In Cormac's Chapel also the doorway leading into the north tower is higher and bigger than the one leading into the south tower. The architectural characteristics of the Bishop's Palace at North Elmham prove that it is older than the parish church which stands near.

We may compare the Bishop's Palace at North Elm-

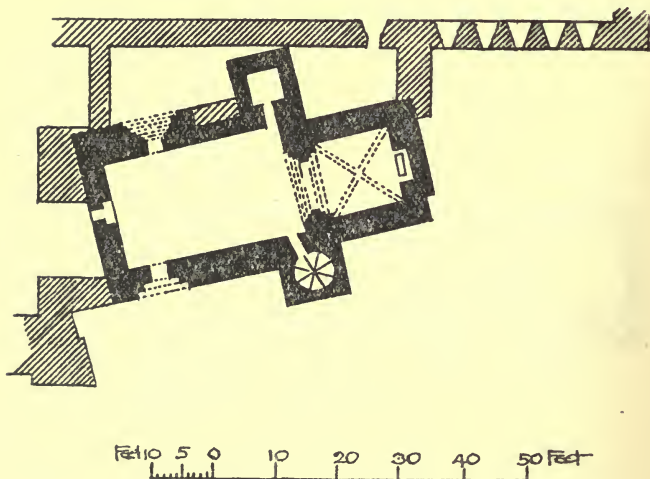


FIG. 3.—Plan of Cormac's Chapel.

ham with a well-known Irish building named Cormac's Chapel (see the frontispiece), which stands on the Rock of Cashel. This building should be described as a hall; indeed Dr. Milner, a writer on antiquities, speaks of it in 1800 as Cormac's Hall.<sup>1</sup> This building (see plan, Fig. 3) faces the south-east, whereas a cathedral, which is built against its walls, is correctly oriented. Though it is much ornamented by sculpture, it contains no Christian symbols. Its towers are a remarkable peculiarity. They are, says Petrie, "of unequal heights, that on the south side, which wants its roof, being about fifty-five feet in

<sup>1</sup> Milner's *Letters*, p. 131, in Petrie's *Ecclesiastical Architecture of Ireland*, p. 289.

height, while the other, including its pyramidal roof, is but fifty feet. . . . The southern tower contains within it a spiral staircase of stone, and the upper portion of this tower was occupied by small apartments over each other, the uppermost of which was lighted by four small quadrangular apertures, as if this apartment had been intended as a look-out station. . . . The northern tower has neither staircase nor upper apertures ; but it was divided into a series of apartments, the floors of which rested on offsets and joists, the holes for which were left in the ashlar work.”<sup>1</sup>

Besides these small apartments in the towers there are other larger rooms extending over the whole of the rest of the building, and approached by the staircase in the southern tower.

“The apartments placed over the nave and chancel are on different levels, the floor of the apartment over the chancel being 6 feet 6 inches lower than that of the apartment over the nave ; and the communication between these apartments is by a plain semicircular headed doorway, within which is a flight of six stone steps. The smaller apartment, or that over the chancel, is lighted by two small windows, round externally, but square, and splaying considerably internally : these are placed in the east wall, and are about 10 inches in the diameter of the circle. The larger apartment, or that placed over the nave, is also lighted by two windows on the east side ; these windows are oblong and semicircular headed on the outside, but square, and splayed considerably on the inside, and are each enclosed in a low and semicircular headed niche. This apartment is also lighted on its south side by two square windows, which are of modern construction, but may possibly occupy the place of more ancient apertures. At the west end, in a wide recess, there is an original fire-place, with a flue passing through the thickness of the wall ; and on each side are small flues, extending round the side walls, close to the present level of the floor, and which were evidently intended to heat the apartment.”<sup>2</sup>

<sup>1</sup> Petrie, *op. cit.*, p. 293.

<sup>2</sup> Petrie, *op. cit.*, p. 296.



There was even a room above the larger of these upper rooms, so that the building was, to use a popular phrase, of garret height. "In the larger apartment," says Petrie, "a series of corbels project from the side walls, at the height of about 6 feet from the level of the floor, apparently for the purpose of supporting a wooden floor, and thus forming a second apartment, which was lighted by a square window placed at the summit of the east gable."<sup>1</sup> For whatever other purposes Cormac's Chapel may have been used, it was, as we have seen, a dwelling-house. Its architecture is that of the twelfth century.

We may compare the upper rooms in Cormac's Chapel with those of a less elaborate English building. In the north-east corner of Derbyshire, not far from Worksop, is an exquisite little building of the twelfth century called Steetley Chapel. It is described in 1291 as *capella*, and about a century later as *ecclesia*; the Lichfield Registers give a list of its rectors from 1348 to 1385. The ground-plan (Fig. 4) shows that the building consisted of nave and chancel. The nave has two doorways, of which the northern, as is usual, is blocked up. It is dimly lighted by a narrow window, like a loophole, in its west wall, and by a similar window in its south wall. A remarkable and original feature of the building is the long bolt-hole, passing far into the wall, by which the south door could be fastened on the inside. The chancel was originally lighted by three windows in the apse, and there may have been two original windows on its south side. At a late time a hole was broken through its south wall for the insertion of a square-headed door, and the building was used for farming purposes. Above this door was a pointed Gothic window, apparently of the Decorated period. A most interesting, and hitherto unnoticed, feature is that both *the nave and chancel were surmounted, as in Cormac's Chapel, by an upper floor*. So far as is known the room above the nave was only lighted by a narrow window in the gable of its west wall, which stood immediately above the window in the nave below. A door-

<sup>1</sup> Petrie, *op. cit.*, p. 297.

way, about 5 feet 2 inches high, which may still be seen, led out of the room above the nave into that above the

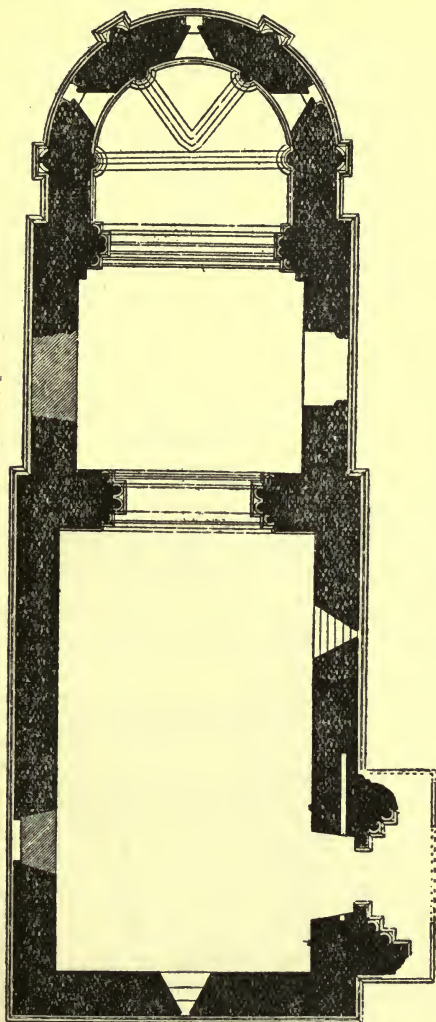


FIG. 4.—Plan of Steetley Chapel.

chancel; it has a plain, flat lintel. But the floor of the room above the chancel, as in Cormac's Chapel, was lower than the floor above the nave, and the section (Fig. 5)

shows that the approach from the western room to the eastern was made by descending four steps, each of them about 6 inches high. The very careful section which has

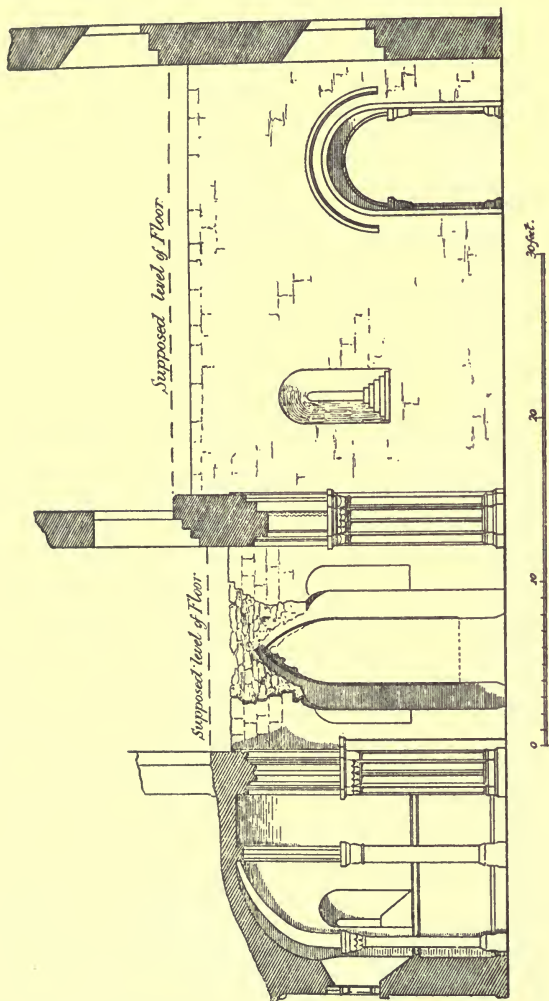


FIG. 5.—Section of Steetley Chapel.

been taken from Lysons, with some of the ornamentation omitted, shows the probable level of the two floors by lines which have been added. There is no appearance

of a stair turret, and probably the upper floors were reached by ladders. Traces of an offset which supported the floor above the nave are yet visible. One of the drawings published by Messrs. Lysons shows that there was a window in the east wall of the room above the chancel, looking out over the domical or cap-like roof of the apse. In 1698 De la Pryme described the building as all roofed, and excellently enamelled and gilt, but said that the lead which covered the roof had all been stolen. At the beginning of the last century the roof had already disappeared, but the building has been re-roofed of late years, and made suitable for public worship.<sup>1</sup> The roof of the apse, as shown in one of the drawings, was covered with grass, and Mr. T. S. Muir says that the dome-shaped roof of the apse of the church at Orphir, in the Orkneys, is thickly studded with turf, grasses, and wild flowers. Like that at Steetley, the naves of most of the earliest English churches had two doors opposite each other, and near their western ends, one in the south and the other in the north. We may compare them with the plan of the Temple of Thor at Thorsness in Iceland, which, in the ninth century, had doors in the side walls of its nave, near one of its ends, and which had also an inner chamber like a chancel, with an apse.<sup>2</sup> It is probable that the south door of these churches was the men's door, and the north door the women's door. We shall again have occasion to refer to the churches of Norway in which, during the fourteenth and fifteenth centuries, the men sat on the right hand, or male side, and the women on the left hand, or women's side. And we shall also refer to the fact that the aisles of the old Norse house, which was occupied on one side by the men, and on the other by the women, had a men's door and a women's door.

Buildings like Steetley Chapel are uncommon in England, and the existence of upper rooms in them

<sup>1</sup> See the seven plans and drawings in Lysons's *Derbyshire*, 1817; Abraham de la Pryme's *Diary*, p. 174; Cox's *Churches of Derbyshire*, i. pp. 399-402, iv. p. 483; Contencin and Smith's *Steetley Church*, Worksop, 1860.

<sup>2</sup> *Eyrbyggja Saga*, c. iv.



cannot, as a rule, be proved strictly. Kilpeck Church, however, in Herefordshire, which was also built in the twelfth century, seems to have had upper floors. The plan (Fig. 6) shows that the nave had a door and one narrow window in the south. There are also two windows on its north side, but only one of them is original. In the west end there is an elaborate and beautiful round-headed window, decorated by interlaced work and two grotesque human heads. This is taller and much wider than the other windows in the nave, and admits plenty of light. But it stands on the ornamented parapet which

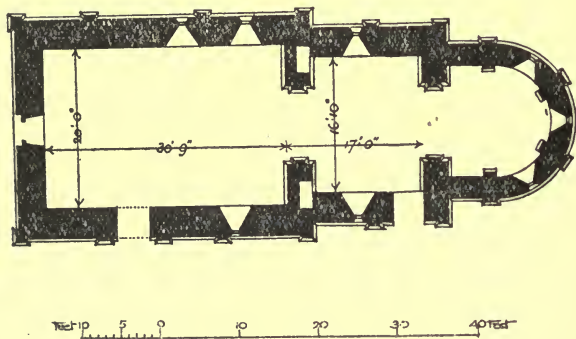


FIG. 6.—Plan of Kilpeck Church.

goes round three sides of the nave, and is in the gable. It may reasonably be concluded that so fine a window in such a position was intended to give light to an upper room. It is noteworthy, too, that there is a window in the eastern part of the building looking out over the domical apse, as at Steetley. The doorway leading into the nave is one of the most interesting pieces of sculpture in England; it includes figures of men in armour on its sides, but nothing which suggests religious beliefs. Six figures of apostles or evangelists, however, are carved on the chancel arch,<sup>1</sup> and it cannot be denied that the building was a church from the beginning. But here, as at Steetley, we seem to be on the boundary which divides the

<sup>1</sup> Lewis's *Illustrations of Kilpeck Church*, 1842.

hall from the church. The upper rooms in such buildings were certainly not intended for religious worship.

The ground-plan of all the buildings just described is that of hall and chamber, or, in ecclesiastical language, of nave and chancel. For the apses or vaulted ends of such buildings are no more separate apartments than bay windows are, and we have seen that the one in Cormac's Chapel is only a small recess in the east wall—the mere embryo of an apse. Such buildings may, or may not, have had the addition of upper rooms, a tower, or a turret stair.

At Broughton, on the great Roman road in Lincolnshire, and about four miles from Brigg, is a church which,

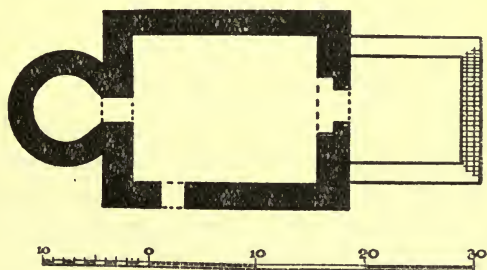


FIG. 7.—Plan of Broughton Church.

as originally built, consisted of a hall about 18 feet long and 13 feet broad; a square eastern "chamber" adjoining the hall, as shown on the plan (Fig. 7); a loft over the "chamber" from which an opening into the hall still remains; and a circular stair-turret annexed to the west side of the hall, and only accessible from the inside. The only entrance to the building was on the south, the door being well to the west. The hall now forms the lower part of the present church tower, and the foundations of the eastern "chamber" are concealed beneath the present nave, which extends eastwardly from the tower, and has the usual addition of a chancel. The existence of the eastern "chamber" was ascertained by Dr. Fowler, who learned from inquiries made at Broughton some years before 1896 that when the church was being



re-paved its foundations were discovered. The present nave and chancel are not shown on the plan.<sup>1</sup> The living of Broughton is a valuable rectory, but no church is mentioned in Domesday. The architecture of that part of the church which we have been considering is, according to Mr. Mickelthwaite, getting near to the Norman in details, and he dates it about A.D. 1050-60. A chancel was sometimes called a chamber. At Eastburn, in Yorkshire, in 1509 the chapel of All Hallows was to be built of eight posts "with a chambre in the ende."<sup>2</sup>

A glossary of the eleventh century, remarkable for the manner in which words relating to the same subject are grouped, gives the parts of a hall as follows :<sup>3</sup>

*Aula*, heal (hall).

*Triclinium*, búr (chamber).

*Solarium*, úpfloor (upper story).

*Turris*, stýpel (tower).

*These four Latin words with their English equivalents describe precisely the several parts of Cormac's Chapel.* The rendering of *triclinium* by *búr* is curious; possibly the inner room on the ground-floor had benches on three of its sides. We are told of a certain Leofstan that he was forbidden ever to *recline* at his father's table again.<sup>4</sup>

The lord's hall, like the church, had its *berchfrit*, "belfry," or watch-tower. Jocelin of Brakelond, who lived in the twelfth century, mentions a great messuage near Bury St. Edmund's on which the hall of Adam of Cockfield the First was situate, with a wooden watch-tower 120 feet high.<sup>5</sup> A small plain tower, with octagonal summit, and without a tower arch, stands close to the main entrance to Warmsworth Hall, near Doncaster. In 1804 a local historian wrote: "Warmsworth has a kind

<sup>1</sup> *Archæological Journal*, liii. pp. 335, 350.

<sup>2</sup> *Test. Ebor.* (Surtees Soc.), v. p. 9.

<sup>3</sup> Wright-Wülcker, 331.

<sup>4</sup> *Nova Legenda Anglie*, ii. p. 597.

<sup>5</sup> "Habent cartam et hereditariam, per servitium xij denariorum, magni messuagii, ubi aula Ade de Kokefelda primi quondam sita fuit cum berefrido ligneo, senties xx pedum in altitudine."—*Cronica Jocelini de Brakelonda*, p. 103.

of steeple, with a bell to call the inhabitants to prayers, but the church is in a field half a mile from the steeple."<sup>1</sup> Warmsworth Hall is an ancient seat, and the lord of the manor is patron of the rectory. Here the tower seems to have belonged to the lord's hall rather than to the church. The present church is modern, but it stands on the site of an earlier one.

Although it would be rash to say that the hall-and-chamber building, as we may call it, was the universal type either of the house, or of the native church, of the British Islands in the earlier historical times, it was of far more frequent occurrence than any other. Here and there tripartite buildings may be found, but they are very rare. We may even see the hall and chamber in the Ireland of the seventh century, if the editors of the ancient laws are right in ascribing that date to the *Crith Gabhlach*. This remarkable law-tract gives the dimensions of the dwellings of three different classes of society, and they all consist of two rooms joined, as may be presumed, to each other. The size of the Og-aire's house was 19 feet, and the size of his back-house or kitchen (*ircha*) was 13 feet. The Bo-aire had a house of 27 feet, with a back-house or kitchen of 15 feet. The Brughfer's house was 27 feet, and his kitchen 17 feet.<sup>2</sup> There is a building at Deerhurst, in Gloucestershire, which was dedicated to the Trinity at the time of its foundation in 1056, and then described as a "royal hall." It consists, however, of a hall and chamber, and Asser (died *c.* 910), in his *Life of Alfred*, speaks of "royal halls and chambers," of stone and of wood, built by the order of that monarch.<sup>3</sup> In 1885 this building was found embedded, and covered with plaster, in an old timbered house called Abbot's Court, which was formerly a manor-house belonging to the Abbot of Westminster, and it is important to notice that, at the time of its discovery, it was occupied as part of a dwelling-house, and

<sup>1</sup> Milner's *History of Doncaster*, p. 221.

<sup>2</sup> *Ancient Laws of Ireland*, iv. pp. 305, 309, 311.

<sup>3</sup> "Quid loquar . . . de aulis et cambris regalibus lapideis et ligneis suo iussu mirabiliter constructis?"—Asser's *Life of Alfred*, ed. Stevenson, 1904, p. 303.

had a room over its chamber, or "chancel." The building is an oblong structure 46 feet in length (see the plan, Fig. 8) divided into what have been called nave and chancel, though "hall and chamber" would be a better description. A stone found near the building in 1675, and now preserved among the Arundel Marbles at Oxford, contains the inscription just mentioned thus: "Duke Odda caused this royal hall to be built and dedicated in honour of the Holy Trinity, for the soul of his kinsman Ælfric,

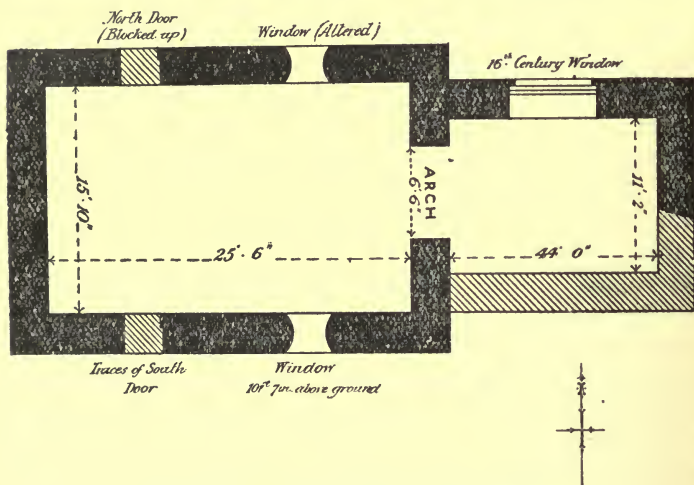


FIG. 8.—Plan of the "Regia Aula," Deerhurst.

which was received [up into heaven] from this place. It was dedicated by Aldred, the bishop, on the second of the Ides of April, in the fourteenth year of Edward king of the English."<sup>1</sup>

Odda was a kinsman and adherent of King Edward, and had a brother Ælfric. The inscription is referred to in a Chronicle of the Foundation of Tewkesbury Abbey, where the chronicler alludes to the fact that there were two brothers, Oddo and Dodd, living in Mercia at the

<sup>1</sup> "Odda dux iussit hanc regiam aulam construi atque dedicari in honore S. Trinitatis pro anima germani sui Ælfrici que de hoc loco assumpta (est). Ealdredus vero episcopus qui eandem dedicavit ii. Idibus Aprilis xiiii autem anno regni Eadwardi regis Anglorum."

beginning of the eighth century, and where he goes on to say: "Those two dukes had a certain brother called Almaric, whose body was buried at Deerhurst in a little chapel opposite the gate of the Priory, because that chapel was once a royal hall; his tomb is pointed out there to this day, for on the wall above the door is written, 'Duke Dodo caused this royal hall to be consecrated as a church in honour of St. Mary the Virgin, for the love which he bore to his brother Almaric.'"<sup>1</sup>

The chronicler evidently refers to the inscription found in 1675, and probably he wrote it down from memory. He turns Ælfric into Almaric, and says that Almaric was buried in the "chapel," which was not the fact. In this jumble we have the important statement that the inscription was fixed over the door of a "chapel" which was "once a royal hall." We see, therefore, that the building has been known as (1) a royal hall, (2) a chapel, and (3) a court or manor-house.

It will be seen from the plan that there are two doorways in the hall, opposite each other, as is often the case in the naves of early churches, and two windows, splayed inside and out. The sills of the two windows are rather more than 10 feet above the ground, and there is nothing at present to show that any other windows ever existed in the building. "In one window," says Professor Middleton, "what appears to be part of its original oak casement still remains firmly built into the masonry of the wall; it is a simple slab of oak, 2 inches thick, in which a small round-arched opening has been cut. The edge of this opening has no trace of any filling-in, and the window was probably open to the air." He goes on to say that a row of holes in some round-headed pre-Norman windows found in Avebury Church still contained stumps of willow twigs, showing that they had once been filled

<sup>1</sup> "Isti præfati duces habuerunt quendam fratrem nomine Almaricum, cujus corpus fuit sepultum apud Derhurst in parva capella contra portam prioratus ibidem, quia capella ista aliquando fuit aula regia; ibi monstratur sepulchrum ejus usque in hodiernum diem, ubi scribitur in pariete supra hostium, 'Hanc regiam aulam Dodo dux consecrari fecit in ecclesiam ad honorem Sanctæ Mariæ Virginis ob amorem fratris sui Almerici.'"—*Monasticon*, ii. pp. 59-60.



in with a wattle-screen. The south wall of the "chancel," or chamber, as we might call it, at Deerhurst is wholly gone, and there is no sign of an east window. In the north-east angle of this apartment an early English corbel has been inserted. The whole building, except its dressed quoins, was originally plastered both inside and out with a thin coat of hard, white stucco. The doors, windows, and "chancel arch," which is  $6\frac{1}{2}$  feet wide, are round-headed. This building, which has lately been called Odda's Chapel, is a few yards from the southern extremity of the churchyard and the remains of the Priory.<sup>1</sup>

When this royal hall was discovered in 1885 the mutilated dedication slab of an altar was also found. It had been inserted in a large Tudor chimney-stack belonging to the building in which the hall was embedded. The inscription on the slab, written in characters like those which record the erection and dedication of the hall itself, was probably to this effect : *In honore Sancte Trinitatis hoc altare dedicatum est.*<sup>2</sup>

The royal hall at Deerhurst cannot have been the only building of its kind which bore such a name. There was a church within the walls of York, not far from the cathedral, which in all ancient writings was called the Church of the Holy Trinity in the King's Hall or Court (*Ecclesia S. Trinitatis in Aula vel Curia Regis*).<sup>3</sup> We may presume that the king's hall in this instance was like other king's halls, and consisted of a hall and chamber. When, therefore, we are told that the church was *in* the king's hall we may take it that the building, which was originally called by this name, had become known as a church, retaining the evidence of its former designation. A church could be described as a hall. In a *Life of St. Ethelbert*, king and martyr, the Saviour appears to a leper who is keeping vigil in a secret place in a church, and heals him. In describing what had happened the leper stretches out

<sup>1</sup> G. Butterworth's *Deerhurst*, 1887, pp. 93-107 ; J. H. Middleton in *Archæologia*, vol. 1.

<sup>2</sup> Butterworth, p. 97.

<sup>3</sup> Drake's *Eboracum*, p. 319.

his finger, and says, "This is the window through which the Lord entered this hall (*aulam*)."<sup>1</sup>

In the time of Edward the Confessor certain "little customs," *i.e.* customs on goods taken to market within the realm, were paid in the king's hall and chamber at Gloucester (*in aula et in camera regis*).<sup>2</sup> Andrew of Wyntoun, the Scottish rhyming chronicler of the fourteenth century, mentions Huchown of the Awle Ryale, whatever that building may have been.

In ancient Wales the king's hall would appear at first sight to have been divided into three, instead of two, parts. These were (1) the upper portion above the screen where the king sat with his back to the screen; (2) the lower portion; (3) the lower end. But what the difference between the lower portion and the lower end was is not clear. Moreover, the Venedotian Code only mentions two divisions. It says: "If a person shall have committed an offence in the nether division of the [king's] hall, and flee to the higher division, and is there seized before he has obtained protection, the steward is to have a third part of his dirwy."<sup>3</sup>

In a well-known passage Bede speaks of a "church and chamber." When the time came, he says, that Aidan, Bishop of Lindisfarne, should die, he was tarrying in a royal manor (*villa regia*) not far from Bamburgh in Northumberland. For, having a church and chamber (*ecclesiam et cubiculum*) at that place, he often used to stay there, and was accustomed to go out preaching therefrom in all the country round—a thing which he likewise did in other kings' manors, for *he had nothing of his own except his church and its adjacent lands*. When therefore he was sick they stretched out a tent for him at the *west* end of the church, so that it touched the wall of the church. After that had been done, leaning against a post which had

<sup>1</sup> *Nova Legenda Anglie*, ed. Horstman, i. p. 419.

<sup>2</sup> *D. B.*, i. 162 a.

<sup>3</sup> *Ancient Laws of Wales*, i. p. 21; ii. p. 585. The high priest of Northern Ceram "lives in great seclusion, generally in the council-house of the village, where he conceals himself from vulgar eyes behind a screen or partition."—Frazer's *Golden Bough*, 2nd ed., i. p. 139.



been fixed outside the church, in order to strengthen it, he drew his last breath.<sup>1</sup> A various reading in the Old English version of Bede says that the post was fastened to the church by nails, as if the building were of wood. This version renders *cubiculum* by *cyte*, chamber, and in a various reading, or rather in another version, the word is translated *rest-hūs*, bedroom.<sup>2</sup>

Bede means that Aidan, living in his "church and chamber," had not even a hut or shed on his property into which he could have been taken to die, so that it was necessary to erect a tent. The sick bishop was removed to the tent in order that the "church and chamber" might not have been polluted and rendered useless by a death within its walls. Care has been taken in many parts of the world that the dying should be removed from their dwellings. Misson, writing about 1690, says that when a sick man in Ireland describes the Communion "they look upon it that he despairs of his life. From that moment they expose him in a public place, or upon a great road." In 1861 an Esquimaux woman, who was dying of consumption, was abandoned by her husband, and removed into the hut which was to be her tomb. The reader of *Nials Saga* will remember that when the beloved Hauskuld was wounded to death he was taken home, but not into the house; he was put into the sheepcote, where he was made to sit upright against the wall. The Maoris of New Zealand carry dying chiefs into a shed, since death *tapued* the house. In Matabele as a rule they get the dying person out of the house into a small shed to die there. The Ahts of Vancouver's Island bury a man's personal effects with him, and burn his house. Kaffirs are generally taken outside their huts to die. Modern Egyptians, whether Christians or Moslems, will not repair a house in which the head of the family has died, and he is sometimes carried out into the field to die in order that the house

<sup>1</sup> *Hist. Eccl.*, iii. 17. In the O.E. version the "adjacent lands" (*agelli*) are described as "feower æceras," four fields, or acres.

<sup>2</sup> *The Old English Version of Bede's Ecclesiastical History* (E.E.T.S.). Alfric's Vocabulary (tenth century) has *cubiculum*, *bedcofa* *wel* *bur*.—Wright-Wülcker, 124, 16. Compare *triclinium*=*bür*, p. 12, *supra*.

may be safe. Bede tells us himself that in the neighbourhood of Whitby there was a hut (*casa*) into which the sick and those who were presently likely to die were induced to go. To this hut the dying Cædmon, Christian and poet, was taken.<sup>1</sup>

Aidan is said to have died in 651, and Bede is said to have lived from 673 to 735.

At a place called Ebbs Nook, in this same parish of Bamburgh, is a ruined stone building, which, having been long forgotten and wholly covered up with sand, was laid bare in 1853. It is situate on a narrow rocky point about a mile from the church and hamlet of Beadnell, one of the

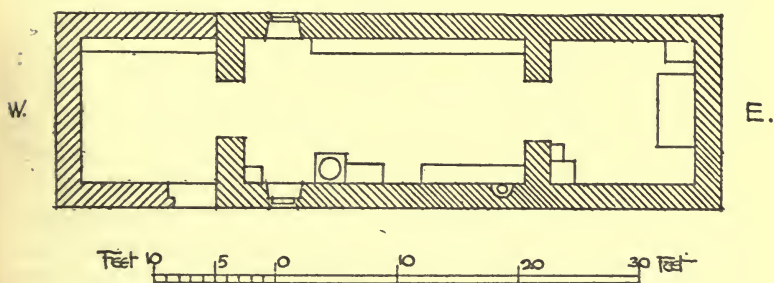


FIG. 9.—Plan of "Chapel," Beadnell.

four divisions of the parish of Bamburgh. The building measured, externally, about 55 feet by 16 feet, and was divided as shown in the plan (Fig. 9). The so-called nave had two doors, north and south, immediately opposite to one another; the jambs of the former remained standing, and the head of the door was not arched, but formed of two large stones placed upon the imposts, and inclined against each other. The doorways splayed considerably inwards, the openings between the jambs of the doors being only 25 inches in width. The height of the north doorway was 4 feet 8 inches. No vestige of any windows could be found, and they were probably formed at a greater

<sup>1</sup> Misson's *Travels over England*, 1709, p. 151; C. F. Hall's *Life with the Esquimaux*, ii. p. 192; *Nials Saga*, c. ciii.; *Journal of the Anthropological Institute*, xix. p. 104, xxiii. p. 85, xv. p. 75; E. L. Butcher's *Things Seen in Egypt*, 1910, pp. 72-76; Bede, *Hist. Eccl.*, iv. 24.

height from the floor than any portion of the existing walls. There is said to have been an altar, shown in the plan, against the east wall. It was formed of coarse rubble work, and was speedily demolished in search of treasure. At the north side of the so-called altar was found part of a shallow stone trough, and in the south-west angle of the eastern room was a small basin. Adjoining this was part of a low stone bench, which also ran along the north and south sides of the nave, as shown in the plan. In the south-east angle of the nave was a cavity in the wall "which apparently had contained a piscina," and near the south door there was found a stone basin, very rudely formed, and supposed to have been a font. No stones were found with mouldings or ornaments, nor any sepulchral slab which might aid in fixing a date; the roof had apparently fallen in, as numerous stone slates for roofing were found among the rubbish. "The building to the west of the nave," we are told, "seemed to have been erected subsequently to it, and the rubble-walling was of much coarser and inferior work to the other parts of the chapel, the mortar being almost without lime; it was constructed with straight joints where the north and south walls met the west end of the nave, without any attempt to bond their courses into it. A low stone bench was formed along the walls as in the nave." At the south-east angle of the building west of the nave there appeared an irregular opening in the wall, which, from its appearance when first excavated, was considered to have been a doorway.<sup>1</sup> A burial at Ebbs Nook took place in 1679.<sup>2</sup> "The long bench along the wall," said Mr. Way, "undeniably a feature of churches of early date, occurs also in buildings of comparatively late construction. A portion may be seen in the parochial church at Holy Island." Such benches are also found along the walls of Swedish or Norwegian churches. There were benches on either side of the old Norse house.<sup>3</sup> In the house of

<sup>1</sup> Albert Way in *Archæological Journal*, xi. pp. 410-13.

<sup>2</sup> *History of Northumberland*, vol. i. (Bateson), p. 322.

<sup>3</sup> Morris and Magnusson, *The Saga Library*, i. pp. 49, 152.

Attilas, according to Priscus, all seats stood along the walls of the house on the two opposite sides.<sup>1</sup> At Tunstead Church, Norfolk, a stone bench runs round the walls of both aisles. Behind the altar, and along the whole width of the east wall, is a raised stone platform, 6 feet 3 inches high and 4 feet wide. The platform is reached at the north end by seven stone steps.<sup>2</sup> The building at Ebbs Nook has been called a chapel in recent times, but its history is entirely unknown, and there is no record of any endowment, or of the name of any chaplain, or other ministrant. It stands alone on a rocky point jutting into the sea, by which it is surrounded on three sides. On the remaining or landward side the little promontory is defended by an earthen rampart, and about 60 feet to the south-west of the building is one of those artificial conical mounds which often accompany the oldest forts, or sites of chiefs' dwellings. These earthworks are described on maps as a "camp."<sup>3</sup>

In Adamnan's *Life of St. Columba*, contained in a manuscript of the eighth century, a church or oratory in Iona is said to have had a chamber annexed to its wall. The chamber is described by three names. The first is *exedra*, an annexe with seats. The second is *exedriolæ separatæ conclave*, meaning literally "the separate room of the little annexe." The third is *cubiculum*, bedroom. As the tale goes, one winter's night a man called Virgno entered an oratory to pray, and prayed in a certain chamber adjoining one of its walls. Whilst he was there St. Columba entered, with a golden light which broke through the inner door of the chamber, which was slightly open, and filled it with incomparable radiance. Dr. Reeves regarded the *exedra* as a chamber or chapel attached to the *side* of a church.<sup>4</sup> But when we examine the remains of early churches in the western islands of Scotland we find that the larger buildings consisted of

<sup>1</sup> Henning, *Das deutsche Haus*, p. 124, referring to Dexippus (Bonn, 1829), p. 203.

<sup>2</sup> J. C. Cox, *County Churches (Norfolk)*, i. p. 250.

<sup>3</sup> See the map in Bateson's *Northumberland*, p. 320.

<sup>4</sup> Adamnan's *Life of St. Columba*, ed. Reeves, iii. c. 20.



only two apartments, joined together like a nave and chancel. We may take the building called Teampull Ronan, on the island of North Rona, as an example. At its east end is a roughly-built chamber 9 feet 3 inches high, and on the floor 11 feet 6 inches long by 7 feet 6 inches wide. The side walls of this chamber converge so much that they are but 2 feet apart at the roof. There is a small square doorway in its west wall, in the place occupied by a chancel arch, so low that you have to creep through on hands and knees. Over this doorway is a flat-headed window 19 inches long by 8 inches wide. Attached to the west end of the chamber, as a nave to a chancel, is another larger room with a flat-headed doorway, 3 feet 2 inches high and 2 feet 3 inches wide, in the south wall, and a small window. There is no doubt that this building, whatever its original purpose may have been, had long been a place of worship. A small graveyard is contiguous to it, containing several stone crosses, small and plain.<sup>1</sup> The smaller apartment, however, of this building may well have been a bedroom (*cubiculum*) originally, and the building really consists of a hall and a chamber.

An able writer on the early domestic architecture of England has said that before the eleventh century the dwellings of kings and chiefs in the countries adjacent to the Baltic had only two apartments, and that in England after the Norman Conquest such dwellings consisted only of "the chief room, or *hall*, and the single bed-chamber, or *thalamus*." And he observes that Alexander Neckam, who is said to have been born at St. Albans in 1157, in describing the various parts of a house, enumerates the hall (*aula*), the private or bed-chamber (*camera* or *thalamus*), and various outbuildings. "His notice," we are told, "may be applied generally to all domestic buildings of any magnitude in the twelfth century. Such, and no more chambers, do the 'king's houses' at Clarendon, Kennington, Woodstock, Portsmouth, and

<sup>1</sup> Anderson's *Scotland in Early Christian Times*, 1881, pp. 112 f.

Southampton appear to have contained, according to the Exchequer accounts of the time of Henry the Second."<sup>1</sup> As we have seen was the case at Deerhurst in 1056, a royal hall could be a dedicated building. But it was also a king's residence. St. Edmund, the last king of the East Angles, who lived from 841 to 870, had such a royal hall (*regia aula*) in Norfolk, in which he sat at table with his knights, and into which dogs could enter.<sup>2</sup> In a manuscript Life of St. Osith, written apparently about 1120, a royal house is described as consisting of a hall and chamber. "Suddenly," we are told, "a man entered the chamber (*cubiculum*) and told the king that a hart whiter than snow was running about before the doors of the hall" (*pro foribus aule*).<sup>3</sup> Evidently the chamber was the private apartment.

The form of such buildings as these continued to a much later time. About A.D. 1300 the governing body of Waterford ordered that the serjeants of the town must distrain in the hall and never in the chamber (*en sale e jamais en cambre*), and, further, that if a serjeant entered the chamber he might be well beaten.<sup>4</sup> By the Laws of the Four Boroughs, dated 1280, a widow was entitled to a life interest in the inner part of the house called the *flet*, and the heir to the outer part of the house.<sup>5</sup> Sir George R. Sitwell says that the Court Rolls of Eckington, Derbyshire, mention a "house and chamber" there in 1431.<sup>6</sup>

In 1361 the manor-house of Sherburn, ten miles from York, is described as consisting of a hall with chamber annexed. In that year this building, which was one of the residences of the Archbishops of York, had fallen into ruin, and it was decided not to rebuild it. Accordingly it was pulled down, and the stones used in the erection of the choir of York Minster.<sup>7</sup>

<sup>1</sup> T. Hudson Turner's *Domestic Architecture*, 1851, pp. 7, 21.

<sup>2</sup> *Nova Legenda Anglie*, ii. p. 579.

<sup>3</sup> Professor A. T. Baker in *The Modern Language Review*, October 1911 (p. 14 of Excerpt).

<sup>4</sup> Bateson's *Borough Customs* (Selden Soc.), i. p. 104.

<sup>5</sup> *Op. cit.*, ii. p. 121.

<sup>6</sup> *The Pilgrim*, Scarborough, 1912, p. 18.

<sup>7</sup> *York Fabric Rolls* (Surtees Soc.), p. 174.



In popular speech these two rooms were known as hall and bower, the latter being the inner apartment. It was in the bower of the nobleman's house that the lord and lady slept. The *Owl and Nightingale*, a poem of the early thirteenth century, makes the nightingale say :

“The bur is ure  
Thar lavedr liggeth and lavedi.”

The division into hall and bower was usual in small houses as well as great, and Chaucer, in his *Nonne Prestes Tale*, about 1386, describes a widow dwelling, with her two daughters, in a poor cottage beside a grove in a dale. Her stock consisted of three sows, three cows, and a sheep, and :

“Ful sooty was hir bour and eek hir halle.”

In Lincolnshire the hall appears to have been called the house, for in A.D. 1200 we are told of a house and chamber (*domus et camera*) at Canwick, outside the city of Lincoln, from which sixty-seven marks and the title-deeds of its owner were stolen. At Louth, in the same county, the vicar's dwelling in 1248 consisted of a house and kitchen (*domus et coquina*) in a little meadow on the south side of the church surrounded by willows and a stone wall.<sup>1</sup>

The discovery in 1885 of the foundations of a rude oblong building of unknown date is valuable as indicating that the structure called hall-and-chamber existed in England at a very early time. It may also be valuable as showing that the original apse may have been a hut joined to the end of such a building. These foundations, together with other remains, were discovered in an ancient fortification, or small village, known as Gunner Peak Camp, near Gunnerton in Northumberland, about seven miles from Hexham.<sup>2</sup> The fortification, which includes a little more than half an acre, is surrounded by a wall, about 13 feet

<sup>1</sup> *Select Pleas of the Crown* (Selden Soc.), i. p. 38; *Rotuli Roberti Grosseteste* (Canterbury and York Society), p. 99.

<sup>2</sup> The Rev. G. Rome Hall in *Archæologia Æliana* (N.S.), x. pp. 12-37.

wide, of unhewn, unmortared stones, mingled with much earth (Fig. 10). At the south end of the oblong building is a rounded apartment 12 feet in diameter. It looks like the remains of a hut, and has an outer doorway

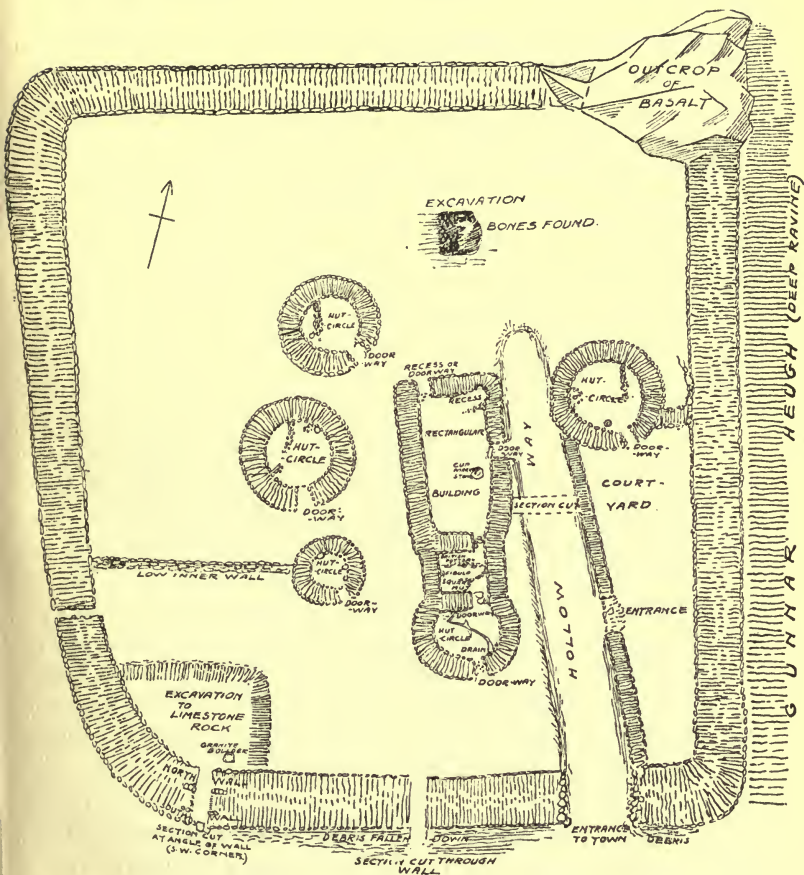


FIG. 10.—Plan of Village on Gunner Peak.

about 3 feet wide; it has no curbstones, but is flagged outside. Adjoining this rounded apartment, and communicating with it by a doorway, is a rectangular apartment with an interior area of 12 feet by  $8\frac{1}{2}$ . Through a doorway in the north-east corner of the last-named apart-

ment we enter the hall or large room, which is narrower at the south than at the north end; it averages about 15 feet in width, and is 30 feet long. The building stands north and south, not east and west, like a church.<sup>1</sup> Here we seem to have a chief's house and a small village surrounding it. The foundations of four of the huts in the enclosure, with walls remaining to the height of about 2 feet, were examined, but there were doubtless others which remained unexplored. In the central apartment of the oblong building a harp-shaped bronze *fibula*, or Roman brooch, was found. Many fragments of coarse Roman pottery, Roman nails, and other things were discovered, showing that we have here to do with a native fortified village whose inhabitants were familiar with Roman arts. In the hut-like apartment at the end of the oblong building were found a few bones, a round stone pounder, and a small horn of a young cow. To hazard a guess, a native chief's house during, or shortly after, the Roman occupation, may have had a hut annexed to one end, which afterwards dropped off, or survived as an apse. One of the three rooms of a Scandinavian dwelling was called the *skáli*, and this word, in Gudmundsson's opinion, is connected with *skál*, a bowl, probably because it was like a beehive-hut. In Ireland there is evidence that a separate hut, which formed the women's house, was ultimately absorbed into the men's dwelling. According to the Law of Adamnan, contained in a manuscript of the fifteenth century derived from older sources, the women's house was once a separate building. Women were known as *cumalaigh*, female slaves. The woman "had no share in bag nor in basket; but she dwelt in a hut outside the enclosure, lest bane from sea or land should come to her chief." But all this was changed by the law-giver. "Adamnan suffered much hardship for your sake, O women, so that ever since Adamnan's time one half of the house is yours, and there is a place for your chair in the other half."<sup>2</sup> Fergusson

<sup>1</sup> In Ireland we are told of a *sinistralis ecclesia*, a church standing north and south.—*Tripartite Life of St. Patrick*, ed. Stokes, ii. p. 292.

<sup>2</sup> *Cáin Adamnáin*, ed. Kuno Meyer, 1905, pp. 3, 5.

thought that the "chevet," or eastern termination of a Gothic church, was the result, of the absorption of a circular edifice into the building.

A very important discovery, made in 1909, proves that even a cave-dwelling could take the form of hall and chamber. A small cave near Taddington, in Derbyshire, known as "The Old Woman's House," was explored in that year by Mr. W. Storrs Fox. Mr. Fox found that the whole cave was 25 feet long. "This length," he says, "included a small low-roofed inner chamber at the north-east end." The main part of the cave-dwelling, which may be regarded as the hall, was lofty. Blocks of stone divided the chamber, which was much smaller than the hall, from that apartment, and the occupants had made a thick floor of small rubble. A well-defined blackened floor extended over nearly the whole area of the hall, where the fire burned, and in this charcoal layer many interesting relics were found. These included a brooch, ornamented with curves in relief, of late Celtic character, and a bronze coin of the early days of Constantine the Great, who was emperor from A.D. 306 to 337.<sup>1</sup> Since cave-dwellings were rare, this underground house must have been an early and rude copy of the house built in the open field.

Throughout Great Britain, and apparently also in Ireland, the typical house of the higher classes of society, as well as of the lower classes, during early historical times, consisted always of a hall and chamber, and these may, or may not, have had upper floors. So great was the resemblance between hall and church that the royal hall at Deerhurst, built in this form, was known, as we have seen, to the Tewkesbury chronicler as a chapel. The so-called beehive-hut at Bosphrennis, in Cornwall, consists of two chambers, one circular, 13 feet in diameter, the other rectangular, 9 by 7 feet; with a communicating doorway 4 feet high and 3 feet 9 inches in breadth.<sup>2</sup> It is a very early and good example of the hall-and-chamber building.

<sup>1</sup> *Derbyshire Archaeological Journal*, vol. xxxiii. pp. 115-26.

<sup>2</sup> *Blight's Churches of West Cornwall*, 1885, pp. 214-20.



## CHAPTER II

### EVOLUTION FROM THE HALL

MANY halls or manor-houses of the twelfth and thirteenth centuries are known to have consisted on the ground floor of a smaller oblong room at the end of a larger. Over the smaller room, however, was a loft which was reached by an outside stair. Two examples may be mentioned.

Within the precincts of the former monastery of Peterborough "there still remains a small Early English house of about 1220, nearly perfect, with windows having remarkable plate-tracery in the heads . . . The house is divided into two parts by a partition wall, on one side of which is the hall, which is the whole height of the building; the other half is divided into two stories by a floor, and this is part of the original design, as shown by the doors and windows."<sup>1</sup>

Access to the lord's chamber at the upper end of the hall of Stokesay Castle was obtained by an external flight of stone steps. This chamber has a large fire-place, and on either side of the fire-place is a small window or opening looking into the hall. The object of these small windows, according to Mr. Gotch, was to enable the lord, or lady, to overlook the hall after retiring to rest.<sup>2</sup> The room beneath the chamber was the "cellar," a doorway communicating between the "cellar" and the hall.

At this period the *upper* room at the end of the hall was called the chamber, and the room beneath it was known as the cellar. The cellar was used, as the word imports, as a store-room. In an undated form of lease, doubtless derived from old sources, there is a Latin grant

<sup>1</sup> Rickman's *Gothic Architecture*, 1862, p. 254.

<sup>2</sup> Turner, *op. cit.*, p. 159; Gotch's *Growth of the English House*, p. 38.

of a great stone-built hall called Cedde Hall, with a great stone chamber annexed to the hall, and a great cellar beneath the same chamber.<sup>1</sup> Hence this arrangement differs from the simpler form of hall and chamber described in the last chapter in having a hall and "cellar" on the ground floor and the chamber above the latter.

In such buildings as these there was no internal stair, and no internal doorway giving access from the hall to the chamber, or upper room. Hence the men servants and women servants sleeping in the hall could only communicate with the lord by going outside the hall and entering his part of the building through his private door. There was, however, an opening or small window in the wall between the hall and the chamber, but otherwise the lord's part of the building was entirely separated from that occupied by his domestics. That such was the form of the ancient manor-house is proved by the following account of a robbery and murder. In 1203 a certain William Malherbe charged William of Witham, goldsmith, of Wallingford, "for that he wickedly and by night came to the house (*domum*) of his lordship, Philip Crook, in the township of Easton, and with other malefactors fastened the doors of his house on the outside, so that neither he (Adam) nor the other servants of the house could get out, and afterwards came with the other malefactors and broke the doors of the chamber (*thalami*), and entered and slew his lord wickedly, and stole his lord's money. He also says that through a window he saw the said William and other malefactors engaged in the crime."<sup>2</sup> We have seen (p. 24, *supra*) that in some places the hall or larger division of a bipartite building was called the house. The window or aperture through which the robbers could be seen evidently resembled those at Stokesay just mentioned. In a description of a "house and chamber" of the fourteenth century, Sir George R. Sitwell says that the chamber had a small latticed aperture which gave view into the hall,<sup>3</sup>

<sup>1</sup> *A Booke of Presidents*, 1572, p. 132 b.

<sup>2</sup> *Select Pleas of the Crown* (Selden Soc.), i. p. 47.

<sup>3</sup> *Op. cit.*, p. 21.



and it will be seen in the present chapter that in Deerhurst Church there were inhabited rooms which contained such apertures, though apparently without lattices.

The buildings just described may now be compared with some churches of similar form. The small Norman

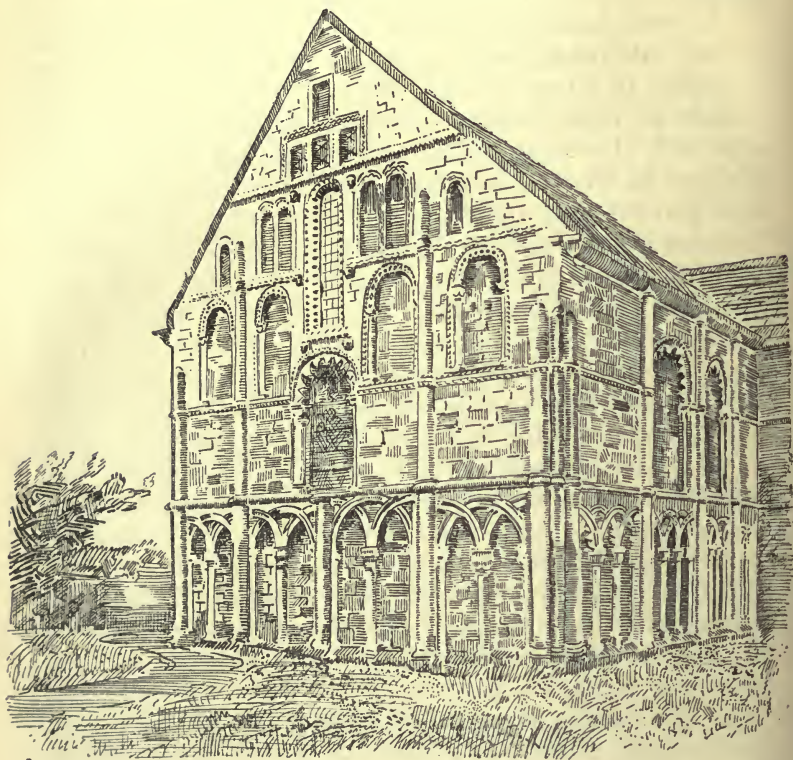


FIG. 11.—Tickencote Church from the South-west.

church at Tickencote, near Stamford, consisted formerly of a nave and chancel divided by what is said to be the most splendid chancel arch in England. In the east end there are three windows, one above the other (Fig. 11). The lowest of these gives light to the chancel. The middle window, which is the largest of the three, gives light to a chamber, which extends over the whole length

of the chancel, and is separated from it by a groined roof. The uppermost window seems to have given light to a garret, like that in Cormac's Chapel. An aperture, or "window," formerly existed in the west wall of the chancel, above the chancel arch. In the north-west corner of the chancel there were formerly stairs in the thickness of the wall, leading to the chamber, but they were removed in 1792. Thus the staircase was in the position of that occupied by the so-called rood-loft staircase. No church is mentioned in Domesday. There is a chamber over the chancel of Elkstone Church, near Cheltenham, reached by a spiral stair in the north-west corner of the chancel. The stair is contained in a quadrangular turret which projects into the churchyard, its door, 18 inches above the pavement, being inside the chancel. It therefore occupies the same position as the so-called rood-loft stair in an aisleless chancel. As originally built, the plan of the church resembled that at Steetley (p. 7, *supra*), and is of the same period. It consisted of an aisleless nave, without a west tower, and a vaulted chancel divided into two parts, as at Steetley, by an inner chancel arch, both chancel arches being ornamented by chevrons. There is a south door in the nave, as at Steetley, with a beautiful Norman doorway and tympanum, and a north door opposite. The chamber was over the western part of the chancel alone, the eastern or apsidal part having a lower roof, as at Steetley. But at a later period a roof of one level was put over the whole chancel, and a lancet window, 18 inches wide and 4 feet high, made above the original, and now existing, Norman east window below. The chamber, thus altered and enlarged, with its rough floor on two levels, became a pigeon-house. The Rev. T. S. Tonkinson, Rector of Elkstone, tells the writer that there are forty-three pigeon-holes; that these appear to have been formed in the raised or newer walls, and that probably the birds flew in and out through the lancet window, which was not glazed. It has been supposed<sup>1</sup> that a central tower, not a chamber, once stood over the

<sup>1</sup> *Trans. of the Bristol and Glouc. Archæological Soc.*, vol. iv. p. 37.

western part of the chancel, but, in a church of this plan, no example of a central tower appears to be known. A century ago it was noticed that the two chancel arches had been much forced out of shape, the piers not being of sufficient strength to resist the thrust, and it was probably the impending danger thus caused which led to the reconstruction of the upper portion of the chancel. But such a mishap by no means implies the existence of a tower above, especially if there were no inverted arches in the foundations. There is one fact which itself proves that the chamber was not built for a pigeon-house. On the inner side of the north wall of the chamber, immediately over a window in the chancel, there is a recess about 6 inches deep, and wide enough for a window or doorway. Two of the pigeon-holes are on the sill of this recess, which is about 9 inches above the rubble floor of the chamber. There are no pigeon-holes in the south wall; twelve of them are on the north side, and the rest on either side of the window, in the east wall. No church is mentioned in Domesday. Mr. Tonkinson has compiled a list of rectors from 1317.<sup>1</sup> There is no indication of an aperture above the chancel arch. St. Peter's Church at Marlborough "has an exactly similar room over the chancel, which, like this, is groined with a stone vault. It has a single-light end window, and there has been no floor over the extrados of the vaulting. There is an external winding stair at the north-east angle. Holes for pigeons are contrived in the end wall, and pigeons were kept in this room till nearly the middle of this century. From time immemorial they were the property of the incumbent."<sup>2</sup>

About 1845 the space above the vaulting of the chancel of Overbury Church, Worcester, was used as a pigeon-house. The building is Early English. In 1484 there was a pigeon-house over the vaulting of one of the chapels of Yarmouth Church. At Christchurch, Hants, there is a

<sup>1</sup> Letters to the writer from the Rev. T. S. Tonkinson; H. A. Prothero in *Gloucester Diocesan Magazine*, i. pp. 127-9.

<sup>2</sup> *Op. cit.*, p. 40.

chamber over the eastern end of the chancel, behind the great reredos, and there is a wooden boarding above the reredos to fill up the west end of this upper room. Over the vaulting of the chancel of Leckhampton Church, Gloucestershire, is a room lighted from the east by a two-light Decorated window not grooved for glass; to this access is given by the stair of the central tower. The room bears no signs of having been used either as a living-room or a chapel. The original rude tie-beam roof remains.<sup>1</sup>

Such chambers are not, even yet, very uncommon, and the so-called rood-loft staircase, found in so many churches, proves that they were of very frequent occurrence. Most of these staircases, perhaps all, were not made for giving access to the top of the chancel screen; they led to a room over the chancel. The floor of that room, however, except in such cases as that at Elkstone, no longer exists, and the chancel has in most cases been rebuilt or remodelled. Mr. A. Hamilton Thompson informs the writer that he has seen outer doorways in a few turrets connected with rood-lofts, but not many. In addition to what he says, we may point to the rood-loft at Rolvenden, in Kent and Sussex, which was approached "from an outside door in the south wall by stairs through the wall."<sup>2</sup> At Ropsley, near Grantham, the stair is in the outer wall of the north aisle, near the north-east corner; it is contained in a half-octagon turret, which projects from the wall. The doorway is internal: outside the base-course of the adjacent wall is continued round the turret. The loft was approached by a bridge carried over the east window of the aisle.<sup>3</sup> Mr. Aymer Vallance has noticed "how often the steps of rood-stairs in parish churches have been trodden into hollows, as though they had been subjected to much wear and tear." He has also noticed that "at Ashover the lowest step of the rood-stair is 6 feet above the floor level;

<sup>1</sup> *Op. cit.*, pp. 15, 40-1.

<sup>2</sup> Hussey's *Churches of Kent, &c.*, p. 143.

<sup>3</sup> A. H. Thompson, *Growth of the English Parish Church*, 1911, p. 114; letter from him to the writer.



6 feet 3 inches at Wingerworth." The same authority observes that in the south transept of Ashbourne Church the south-east pier of the central tower "contains a staircase which, though constructed doubtless simultaneously with the building of the tower itself, and therefore anterior to the general introduction of rood-lofts, would certainly have served to give access to the rood-loft as soon as ever that adjunct was provided."<sup>1</sup> It would be easy to pile up evidence, but we must conclude by referring to a church in which the term "rood-loft" was applied not, as is usually the case, to a platform on the top of the chancel screen, but to a chamber over the chancel. The churchwardens' accounts of Stratton, in Cornwall, show that in 1538 payments were made for nails, lead, iron-work, and glass for two windows in the rood-loft.<sup>2</sup> Mr. Thurstan Peter tells the writer that the rood-loft stair still exists, and that no sign now appears of upper room or window.

In another church an open wooden screen, across which a curtain could have been drawn at night, takes the place of the apertures or "windows" found above the chancel arches of other churches. The east end of the chancel of Compton Church, Surrey, says Hussey, "is divided into two stories, that upon the ground having a low groined roof; the upper one contains a rude piscina, and is open toward the church westward, with the exception of a wooden screen, or arcade, which is original, and the oldest piece of woodwork known to exist in England. The upper story was originally entered by a stair from without, but is now entered from within the church." The chancel is 27 feet in length, internally, and is divided transversely into two equal portions by a beautiful Norman arch, on the top of which stands the arcade, with its rounded arches. Next to each of the western sides of the piers of this arch is a pointed doorway; the doorway on the north leading into a modern vestry, and that on the south into the well of a square staircase which projects from the chancel wall. This staircase, which leads to the

<sup>1</sup> In *Memorials of Old Derbyshire*, 1907, pp. 232-4.

<sup>2</sup> *Archæologia*, xlv. p. 215.



upper room, has an external door, though it is now entered from within the building. "Probably," says Mr. André, "the chancel is slightly older than the rest of the edifice, being well-defined Norman in character." The room over the end of the church was either an actual bedroom or a survival in church architecture of such a room. It measures 15 feet by 13, and has an east window. The curtain for such a screen as that just mentioned was known as a "travas," or traverse, and the Wardrobe Accounts of Edward IV show in 1481 a payment for making a traverse of two curtains of green sarsinet, containing a little more than 13 yards, for the chapel at Coldharbour, when the Duchess of Burgoyne was lodged there, and two hundred rings of latten (a metal resembling brass) for the same. So that, as late as the fifteenth century, a duchess was lodged in a chapel provided with curtains which could be drawn. These Accounts also speak of a traverse being drawn at eight o'clock when a boy was in his chamber. They further say that when the king's bed was made the squires and ushers were to go outside the traverse.<sup>1</sup> The chamberlain in ancient Wales had no house of his own within the manorial precincts, his duty being to watch the lord's bedchamber, where he "negotiated" between the chamber and the hall.<sup>2</sup> Domesday mentions a church at Compton, but Mr. André thinks that no part of the present building is older than the middle of the twelfth century. In the south wall of that part of the chancel which is beneath the upper room is also a plain so-called piscina. In old wills such stone basins are invariably called lavatories, and although at a later time they were used for washing the priest's hands at mass, they seem at first to have been intended for domestic ablution. At all events they are not unfrequent in mediæval houses, the hands having been washed by pouring water over them

<sup>1</sup> See Hussey's *Churches of Kent, Sussex, and Surrey*, 1852, p. 324; J. L. André in *Surrey Archaeological Collections*, xii. pp. 1-19; Parker's *Glossary of Architecture*, s.v. "traverse."

<sup>2</sup> "Camerarius et cameraria debent habere lectum in camera regis."—*Ancient Laws of Wales*, ii. p. 829. "Camerarius non habet propriam sedem in curia, ipse enim custodit thalamum regis, et negotiatur inter cameram et aulam."—*Op. cit.*, ii. p. 829.

from a jug.<sup>1</sup> Between the years 901 and 924, King Edward the Elder is described as washing his hands at Wardour, within the chamber (*bûr*).<sup>2</sup> Within the arch of the lavatory in Great Cressingham Church, Norfolk, are the words *Lavate puras manus*, wash your hands clean. In 1501 the lavatory of Fordwich Church had two small diaper towels. In the old churches of Iceland there was a basin called *kirkju-mundlaug*, meaning church-handwash.<sup>3</sup> In the church of Scawton, in the North Riding of Yorkshire, is a small stone trough, with a drain pierced behind it so as to discharge the contents of the trough outside. In 1238 Henry III ordered the drain of his private chamber to be made in the fashion of a hollow column, and the basin of a lavatory in a church is sometimes supported by a hollow shaft rising from the floor and apparently forming a drain pipe.<sup>4</sup> The church at Compton has a western tower, and a continuous roof covers both nave and aisles. The aisles are less than 8 feet wide.

Above the vaulting of the east end of Darenth Church, Kent, is a small chamber, and in its west wall an opening through which a man could look into the nave. The lower chancel is lighted by three small windows in its east wall. The chamber has three windows above these, but one of them is blocked up, and there is now no staircase or other means of approach to this room. A woden pipe runs through the vaulting of the chamber to the lower chancel. The west end of the church has quoins formed of tiles, and in the walls are many Roman bricks. There is evidence of the former existence of a chamber over the chancel of the church of St. Peter-in-the-East, Oxford.

In comparing the chancels of these churches with the "cellars" of mediæval halls the analogy seems at first sight to fail in one respect, because there is nothing in those halls which in size or ornamentation resembles the chancel

<sup>1</sup> Turner, *op. cit.*, p. 179.

<sup>2</sup> Thorpe's *Diplomatarium*, p. 171.

<sup>3</sup> Blomefield's *Norfolk*, 1805, vi. p. 101; Vigfusson's *Icelandic-English Dictionary*, s.v. "kirkja"; Woodruff's *Fordwich*, p. 153.

<sup>4</sup> Liberate Rolls in Turner, *op. cit.*, p. 189; Parker's *Glossary of Architecture*, s.v. "piscina."

arch. But we must bear in mind that many of the so-called chancel arches of the older and smaller churches, as will be seen further on, are mere doorways.

We may now leave the smaller churches and give an account of some larger churches which retain features of another early type of dwelling. There is no church in the British Isles more interesting than that of Deerhurst, near Tewkesbury, or one which has presented more enigmas to the student. About the year 1125 it was so old, and its form was so unusual, that William of Malmesbury called it "an outworn phantom of ancient days."<sup>1</sup>

It will be seen from the plan (Fig. 12) that the building is of oblong shape, measuring from its west wall to the extremity of the apse about 100 feet, and from the north wall to the south about 55 feet. The black parts of the plan show what is believed to be original work, the shaded parts exhibit the work supposed to have been done at subsequent times, and the dotted lines show the positions of walls whose foundations have been laid bare, or which, as in the case of the segment of a circle forming the apse, can be supplied from remaining fragments.

Above the arch, marked A A on the plan, there is now a window; the arch itself, which is of pre-Conquest date, has been built up, and everything to the east of it destroyed. This window now admits light into the church from the outside, but there are indications of earlier apertures in the wall above the arch. These apertures are not at a sufficient elevation to clear the roof—of which there are clear relics—of the apse, and it is probable that they opened out of a chamber above it. A staircase, marked B on the plan, supplied the means of ascent to a floor above the east end of the south aisle, and that floor may have communicated with the chamber above the apse.

The east wall (Fig. 13) of the tower of this church is pierced by various apertures. One of these is a triangular opening near an early doorway which has sloping jambs. The sides of this opening are about 18 inches long, and, if we go into the tower and look through it, we get

<sup>1</sup> "Antiquitatis inane simulacrum."—*Gesta Pontificum Angl.*, ii. p. 76.

an imperfect view of the interior of the church. It will be noticed that there are also two similar apertures in the

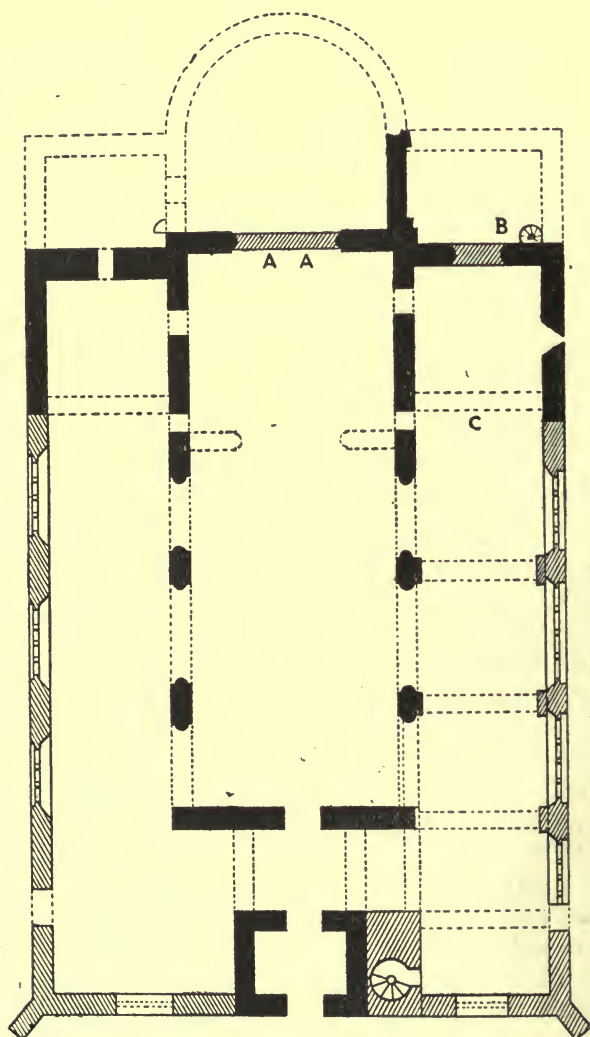


FIG. 12.—Plan of Church at Deerpur.

side walls of the nave, on the same level as the triangular opening in the east wall of the tower, and opposite each



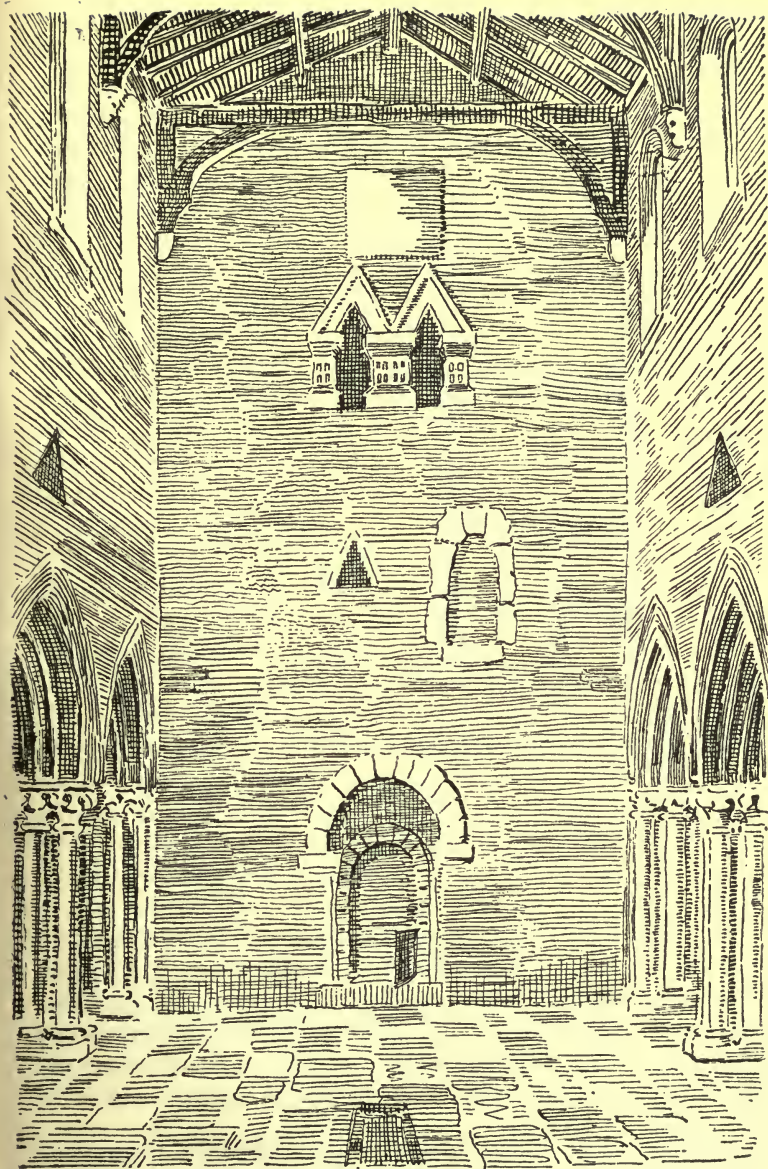


FIG. 13.—East Face of Tower of Deerhurst Church.



south faces. By some writers, however, only the eastern ends of the aisles have been regarded as part of the original building, the western portions, shaded on the plan, being considered to be of more recent date. If the western portions of the aisles did not exist in the original structure, then the two triangular apertures in the side walls of the nave would have admitted light or air into the nave from the outside. But the corresponding triangular aperture in the east face of the tower opened into a room in the tower. It seems clear, therefore, that all the triangular holes were intended to give view into the nave, and that they opened, not into the outer air, but into roofed apartments. Strong evidence that the south aisle is an original part of the church is afforded by a Saxon arch of round form, ill-designed and segmental, which stands above the place marked C on the plan.

We may take it, then, that the original form of the building was that which the plan indicates, whether shaded or not, only the buttresses and the stair-turret of the tower being later additions. Arches of the twelfth century have been inserted in the walls of the nave, as shown in the drawing, the original piers having been oblong masses, as at Brixworth. Newer windows have been inserted, and other alterations made, from time to time. The church was half parochial, half monastic. At what time the infusion of monachism took place is unknown, but monks were there during the Danish period.

It is all but certain that this building at Deerhurst was once inhabited by monks or others. Indeed, apart from the architectural evidence, a remarkable passage in the *Dialogues* of Gregory the Great, which were translated into Anglo-Saxon by Werferth, Bishop of Worcester (A.D. 873-915), seems to put the matter beyond doubt. We are told that one Servandus, deacon and abbot, used to visit the monastery of St. Benedict (480-543), in order that both might "be mutually refreshed with the sweet words of life," and the passage in question, as rendered by Professor Earle, is as follows: "When at length the

time was come for their rest and repose, the venerable Benedict was lodged in the upper floor of a tower, and Servandus the deacon rested in the nether floor of the same tower; and there was in the same place a solid stair (*stæger*) with plain steps from the nether floor to the upper floor. There was, moreover, in front (*æt-foran*) of the same tower a spacious house (*sum rúm hús*), in which slept the disciples of them both. When, now, Benedict, the man of God, was keeping the time of his nightly prayer during the brethren's rest, then stood he all vigilant at a window (*eahthyrle*, eye-hole) praying," and as he looked out he saw a vision in the sky.<sup>1</sup> We learn, then, that Benedict lodged in an upper room of a tower, possibly resembling the chief room in the tower at Deerhurst, Servandus sleeping in a room beneath. The "spacious house" in front of the tower was evidently the body of a church or monastery, in which men slept; it will be seen later that the nave of an Irish church was called the great house. We may note that Gregory the Great was the Pope who sent Augustine and his monks into England.

In the year 1095 Abbot Baldwin planned a new church at Bedricesworth *after the fashion of Solomon's Temple*. It was more beautiful, more artistic, and higher than the church built there in the reign of Cnut, and was dedicated by the king's permission.<sup>2</sup> The historian to whom we owe the preservation of these facts, being an ecclesiastic, must have been well acquainted with the description of the temple in the First Book of Kings. We are told that the house which Solomon built for the Lord was an oblong stone building, three times as long as broad, and had windows of narrow lights. "Against the wall of the house he built chambers round about. . . . The door for the middle chamber was in the right side of the house: and they went up with winding stairs into the

<sup>1</sup> Earle's *Anglo-Saxon Literature*, 1884, pp. 198-9. In the translation we have altered "staircase" to "stair."

<sup>2</sup> "Abbas Baldewinus nouam basilicam apud Beodricesuorthe, priore basilica tempore Canuti regis ididem constructa pulcriorem, artificiosiore et eminenciore, ad instar templi Salomonis construxisset."—*Nova Legenda Anglie*, ii. p. 624.

middle chamber, and out of the middle chamber into the third."<sup>1</sup> We may be sure, therefore, that this church at Bedricesworth contained upper rooms. A very large church, constructed of wooden boards, had been built at Bedricesworth either in the reign of Cnut, or in that of Alfred. On a certain occasion it was attacked by robbers, one of whom tried to dig under the wall with spades and mattocks. The noise which the robbers made awoke a man who was sleeping in the building.<sup>2</sup> Bedricesworth was the old name of Bury St. Edmunds.

The upper aisles of some of the Coptic churches of Egypt are still inhabited. In the church of Abou Sargah, or St. Sergius, at Old Cairo, there are upper rooms over the aisles and over the vestibule at the west end, the nave being open to the roof. The whole of this upper story is divided into apartments, and used for domestic purposes by the families of the priests. This church, according to Professor Middleton, is probably of the eighth century, but it has a crypt under the tribunal at its east end which may date from the sixth century, with steps on the right and left leading down to it, as in the basilica discovered at Pompeii. There are similar upper rooms in the churches of St. Agnes without the walls and St. Lawrence at Rome, as well as in the fifth-century basilica at Thessalonica. In Coptic churches the upper aisle is the predecessor of the triforium of Western churches, and Mr. Butler remarks that the broad triforium at Westminster Abbey offers perhaps the closest parallel. He says that the resemblance is the more complete as there is evidence to show that it once contained chapels.<sup>3</sup> But it is more likely that this triforium contained inhabited rooms (see Fig. 20 below), though it is true that altars sometimes stood on upper floors. There are upper chambers attached to the sides of a few remarkable churches in the Asturias, not far from Oviedo; they are open to the church and are capable of

<sup>1</sup> I. Kings vi. 1 f.

<sup>2</sup> *Nova Legenda Anglie*, ii. pp. 590, 594.

<sup>3</sup> J. H. Middleton in *Archæologia*, xlviii. pp. 397-420; A. J. Butler, *op. cit.*, i. pp. 21, 203. For an altar 47 feet above the floor in a church at Cirencester, see *Nova Legenda Anglie*, ii. p. 661.

being used as dwelling-places. These churches are considered to belong to the ninth century. Under the year 1083 the *English Chronicle* relates that, the French having broken into the church of Glastonbury, some of the men got into the upper story (*úp-flór*) and shot arrows therefrom towards the chancel. In a few English churches, and in many on the Continent, the triforium is a complete upper story, with a range of windows in the side walls. Sergius (A.D. 687-701) is said to have repaired the roof and the decayed *cubacula*, or sleeping-chambers, which surrounded the basilica of St. Peter's at Rome on every side.<sup>1</sup> These *cubacula* have been regarded as chapels, but there is no ground for attributing that meaning to the word. They are no doubt identical with the *pastophoria*, or priests' lodging-rooms, mentioned in the description of a church in the *Apostolic Constitutions*. "Let the house be oblong," says this account, "and turned towards the east, with *pastophoria* on both sides towards the east, after the manner of a ship."<sup>2</sup> The writer may mean that the church was to be oriented, with chambers on both sides, like cabins in a ship, as in an old Norse hall.<sup>3</sup> The stalls on both sides of the great hall of the old German house sheltered the men-servants and maid-servants as well as the cattle. The rooms above the stalls, corresponding to the triforia of churches, were called *hillen*, and were occupied as dormitories. There is a story that in the fourth century Pope Marcellus was relegated by the Emperor Maximian to a stable made out of a church, and that the Pope lived and died there.<sup>4</sup> According to another legend a church was erected on the site of the very stable in which Christ was born. St. Helen, who is described as the only daughter of a British king, and

<sup>1</sup> "Hic tectum et cubacula quae circumquaque ejusdem basilicae quae per longa temporum stillicidiis et ruderibus fuerant disrupta studiosius innovavit et reparavit."—Smith's *Dict. of Christian Antiquities*, s.v. "cubiculum."

<sup>2</sup> Labbe, *Apost. Const.*, ii. 57. The second "towards the east" seems redundant.

<sup>3</sup> See a plan and section of such a hall in Vigfusson and Powell's *Icelandic Reader*, pp. 370-1.

<sup>4</sup> "*Hillen* rustici vocant dormitoria, quae ad latera domuum praeparata sunt, sub quibus stabula pecudum."—*Bremische Quelle* in Schiller-Lübben; *Passional von Köpke*, 99, 5 f., in Heyne, *Deutsche Wohnungswesen*, p. 178.



mother of Constantine the Great, comes to Bethlehem, where she finds the manger in which the infant Jesus lay before an ox and an ass, and the hay on which He lay. She builds a splendid church upon the place, with ramparts like a castle, in which she puts an archbishop, canons, priests, and other servants of God. Whereupon the Jews, in derision, call her Stabularia (cattle-stall-woman) because she had built a church on a stall for cattle.<sup>1</sup> St. Helen is said to have died at Rome in 337, and this legend about the church at Bethlehem may be included among the traditions which help to show that the earliest churches were adaptations of great houses which had a dwelling at one end and cattle-stalls at the other.

Mr. Butler thinks that the upper aisles of Coptic churches were intended to accommodate women attending the services, and says that when provision was made for them in the body of the church they were gradually turned to profane uses. But in the ancient church of Abu-'s-Sifain, where the upper aisle goes round three sides of the building, "only from one or two points can even a narrow glimpse be seen of the church below." In another place Mr. Butler says that the upper aisle of this church is, "with the exception of one small and almost inaccessible opening, entirely shut off from the nave by solid walls, so that no one in it could follow the service below."<sup>2</sup> In fact the upper aisles are separated from the nave as they must have been at Deerhurst, where the two triangular holes correspond to the small opening just mentioned. In all Coptic churches the entrance to the upper aisles is from without. In the older French and German churches the side aisles were divided into two stories.

In the Coptic church of Sitt Mariam the upper aisle extends all round the building, except over the "haikal" or tribunal. In a church at Cairo, however, which cannot be later than the sixth or seventh century, the upper aisles extend over the choir.<sup>3</sup> The choir and the western end of

<sup>1</sup> *Nova Legenda Anglie*, ii. pp. 19-20.

<sup>2</sup> A. J. Butler, *op. cit.*, i. p. 20.

<sup>3</sup> Butler, *op. cit.*, i. p. 274.



the church of Sta. Christina, near De la Pola de Lena in the Asturias, are vaulted over, and there are chambers over both ends of the building. The vestibule of Melbourne church, Derbyshire, consists of three porticoes, which extend across the entire west end of the building, and are divided by arches from the nave. These porticoes are groined or vaulted with masonry, and there are chambers over the whole which are divided entirely from the nave by a partition supported by arches beneath. The end of the chancel was originally semicircular, and there was a round-ended room on each side of it.<sup>1</sup> As is shown by existing traces, this Romanesque basilican church had originally a chamber over its chancel. From the chambers over its western porticoes there is a continuous gallery extending over both the aisles and round the four sides of the central tower. In the nave this gallery is combined with the clerestory and serves to transmit and spread the light from the windows therein. It formed a communication, not quite wide enough for two men to walk abreast, between the chambers over the porticoes and that over the chancel. The gallery is reached by stairs in each of the two western towers, and there was a doorway from it opening into the chamber over the chancel. Melbourne was a royal manor when Domesday was compiled, and had at that time a priest and a church. King John "lay" at Melbourne five times during his reign of seventeen years. "It appears in the Close Rolls that twice he ordered casks of wine to be sent from Nottingham to Melbourne, but the house at the latter place is not designated, as are his castles at Nottingham, the Peak, and Hareston, in the same orders."<sup>2</sup>

The origin of such buildings as that at Deerhurst just described may be seen in an early type of dwelling-house. In the second century Galen described two kinds of country houses near Pergamus in Asia Minor, each of which consisted of a great hall with a hearth near the middle. The better kind of house had an exedra at its far

<sup>1</sup> *Archæologia*, xiii. pp. 290-308.

<sup>2</sup> W. Dashwood Fane in *Derbyshire Archæological Journal*, xvii. pp. 82-94.

end, and on each side of the exedra was a sleeping-chamber. In an upper story above these last-mentioned rooms there were likewise three chambers which were used for the purposes of husbandry and especially for storing wine. Along the sides of the great hall and over the cattle-stalls were chambers, and often also on the side opposite to the exedra. We are not directly told what the chambers over the cattle were intended for, but it is clear, says Lange, that they were used partly for household purposes, and partly as sleeping-rooms for the servants.<sup>1</sup> An exedra was usually of semicircular shape, and is called *absis* (apse) in a glossary.

The high antiquity of these country houses, says Lange, may be seen in particular by comparing them with the farm-houses of Lower Saxony, of which excellent examples still exist in Schleswig, Hanover, and Westphalia. The great threshing-floor (*deele*), with the hearth at the far end on the *flet*; the cattle-stalls on the right and left; behind the hearth three dwelling-rooms, the middlemost of which is the state-room; high up by the side of the hearth the doors through which the smoke escapes: these are its characteristics. The great roofed hall, with smaller rooms all round it, and a dwelling-room at the far end divided into three parts, seems to have been the common type of the dwelling-houses of all Aryan peoples at a certain stage of their development.<sup>2</sup> In 1820 Justus Möser went so far as to say that these Saxon farm-houses "are older than our history, as old as the people itself."<sup>3</sup> That this form of house was not unknown in England in the thirteenth century is probable, for the Malmesbury Register mentions "a hall with a middle chamber between two other chambers at the gable end."<sup>4</sup> Modern excavations have laid bare the foundations of similar buildings erected

<sup>1</sup> Galen, *De Antidotis*, ed. Kuhn, xiv. p. 17; Nissen, *Pompeianische Studien*, p. 610; Konrad Lange, *Haus und Halle*, 1885, pp. 31-2.

<sup>2</sup> Lange, *op. cit.*, pp. 32-3.

<sup>3</sup> R. Henning, *Das deutsche Haus*, 1882, p. 27.

<sup>4</sup> "Apud Fouleswyke fecit unam aulam, et mediam cameram inter duas cameras ad gabulum illius aulæ."—*Registrum Malmesburiense* (Chronicles and Memorials), ii. p. 367. See also *Cronica Jocelini de Brakelonda*, p. 21.

during the Roman occupation, as for instance at Holbury, near Southampton. Similar houses do not now exist in England, but the crofter's house in Shetland was a chimneyless cabin, to reach which you had to pass through the byre. This was separated from the other part of the building by the bed-closets of the family.<sup>1</sup>

We may compare the plan of the church at Deerhurst with that of a "house" in the district of Rendsburg (Fig. 15) in Schleswig-Holstein—the ancient home of the Angles. When we enter the great door in the front gable of such a "house" we find ourselves in a big middle hall (*däle*), which is not unfrequently so large that harvest wagons can get in. On either side is a row of oaken posts, or pillars, at least from 7 to 8 feet apart from each other, which divide the "house" into three portions. Thus it resembles the nave and aisles of a church, the nave being wide, and the side rooms, or aisles, about 7 feet in breadth. In the aisles are the cattle, which are fed from the hall, their heads facing inwards. The hall reaches up to the balks on which the harvest is stored, and dried by the smoke from the open hearth, but there is an intermediate floor (*hille*) over the aisles, like the triforium of a church, which extends through the entire length of the building. Often, perhaps generally, the servants sleep on the floors over the aisles or cattle-stalls, the beds of the family being at the inner end of the "house," behind the hearth. The two rows of oaken posts do not extend

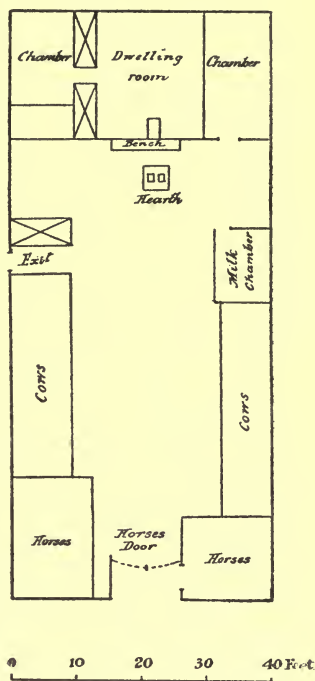


FIG. 15.—Plan of House in Rendsburg.

<sup>1</sup> A. M. Williams in the *Antiquary*, vol. v. (N.S.), pp. 379-80; *Victoria County History of Hampshire*, i. p. 303; J. R. Tudor's *Orkneys and Shetland*, 1883, p. 159.

uninterruptedly to the back gable of the "house," the last couple being omitted, in order to give space for a room the lower portion of which extends across the whole building from wall to wall. This is usually called the *flet*, and is the proper dwelling-house. To-day the *flet* is generally open to the hall. In some cases, however, it is separated therefrom by a screen of lattice-work, about a yard high, and this was probably always the case in ancient times. In the middle of the *flet*, and right opposite to the great door of the hall, is a low, open hearth, without chimney. As a rule there is an exit or door opening out of each side of the *flet*; our plan shows only one. Behind the hearth are three rooms, of which the middlemost is a parlour or sitting-room. The type of house here described occurs with remarkable frequency throughout the north and middle portion of Lower Saxony.<sup>1</sup>

The larger dwellings of the ancient Norsemen were not dissimilar. In them an aisle or wing ran along the middle hall on both sides, and was divided therefrom by posts and a partition of wainscot panelling. The aisle appears to have been called *set* or *skot*; it was the daily sitting-room, and here were the bedsteads, or berth-beds. The wings were occupied on one side by the men and on the other by the women; hence the door leading to the men's side was called the men's door (*karl-dyrr*) as opposed to the entry leading to the women's side. This separation of the sexes appears in the churches of Norway during the fourteenth and fifteenth centuries, when the men sat on the right hand or male side (*karla-vegr*) and the women on the women's side (*kvenna-vegr*).<sup>2</sup> In ancient Ireland the men sat on one side of the hall and the women on the other. When the Irish house was oblong, it was divided into three parts by two rows of pillars which supported the roof. The fire was in the central division and the beds in the aisles.<sup>3</sup>

<sup>1</sup> K. Rhamm, *Urzeitliche Bauernhöfe*, 1908, Erster Teil, pp. 1-17, 208, 217. Herr Rhamm's work makes no comparison between these buildings and churches.

<sup>2</sup> See Cleasby and Vigfusson, *Icelandic-Eng. Dict.*, s.v. *set*, *karl*, and *karl-dyrr*.

<sup>3</sup> O'Curry, *Manners and Customs*, i. pp. cccxvi., ccclii.



We have nothing in Great Britain which now resembles the house at Rendsburg just described, but we had a kind of house which, in its main characteristic, bore a striking likeness to a Gothic church. "A frame of massive timber," says Hallam, "independent of walls, and resembling the inverted hull of a large ship, formed the skeleton, as it were, of the ancient hall; the principal beams springing from the ground naturally curved, and forming a Gothic arch overhead." He is relying on Whitaker's *History of Whalley*, first published in 1801, which gives, among other things, a drawing of the interior of the hall of Radcliff Tower, which had not only a central hall in the form of an inverted hull, but an aisle on each of its long sides. Curved wooden beams like these, springing almost from the ground and extending to the ridge-piece, may still be seen in many parts of England, and are known as "crucks," or "croks"—a word sometimes translated by *laquearea*.<sup>1</sup> Relying on passages in the *Ancient Laws of Wales*, and in Giraldus Cambrensis, Mr. Seebohm says that "the Gothic cathedral, simplified and reduced in style and materials to a rough and rapidly erected structure of green timber and wattle, would give no bad idea of the tribal house of Wales or Ireland."<sup>2</sup> The middle or body of a church was possibly called the *nave* on account of its original likeness to an inverted ship, and the name has certainly nothing to do with a similitude by which the Church of Christ is likened to a vessel tossed on the waves.

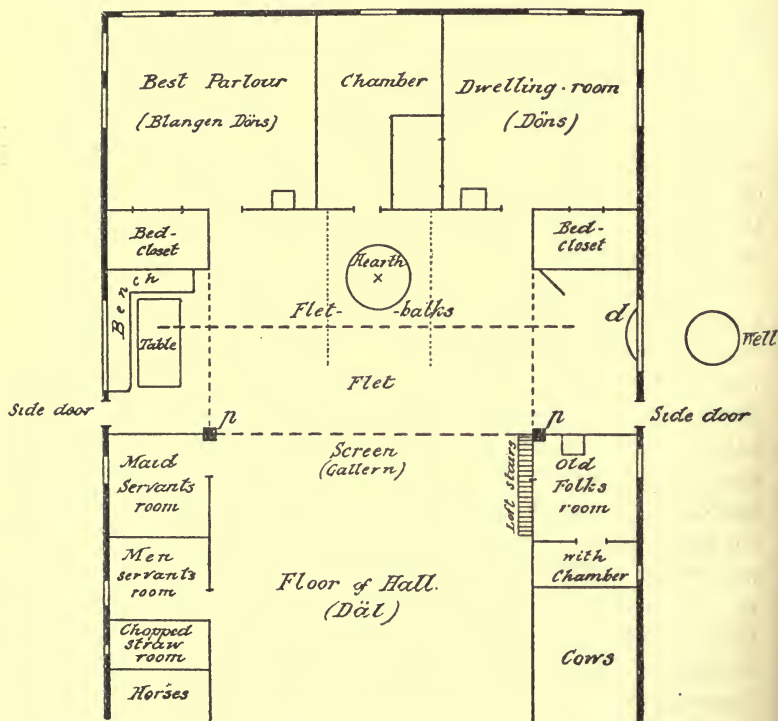
The screen of lattice-work which divides the *flet* or living-house of many German farm-houses from the hall makes the resemblance between them and the forms of English churches still more striking, and we must bear in mind that *cancelli*, from which "chancel" is derived, means a lattice. Such a screen is often found in the old houses in the country between the Weser and the Elbe, and it cannot fail to remind us of the chancel screen of

<sup>1</sup> Hallam's *State of Europe during the Middle Ages*, chapter ix., part 2; Addy's *Evolution of the English House*, pp. 16-31.

<sup>2</sup> *English Village Community*, 1883, p. 241.



a church. One writer describes it as "an open latticed partition of wood, breast high, with a door, or more correctly a gate, in the middle." In the neighbourhood of Lüneburg, in Hanover, the screen is called *gallern*, and extends from one wooden pillar to another just as a



*d. Drain or sink. n. Wooden pillars (Hauptständer)*

FIG. 16.—Plan of House at Schneverdingen.

chancel screen goes right across the chancel arch. These screens are removable at will. The plan (Fig. 16) of an old house at Schneverdingen shows the position and extent of one of them. There is another point of similarity. At the junction of one of the wooden pillars with the screen at Schneverdingen are steps which give access to a loft, these being in the same position as the stair leading to

the rood-loft of an English church. Furthermore, the sink or drain marked *d* on the plan suggests the so-called piscina, invariably in Yorkshire wills called the lavatory, of a church, though here the analogy is more doubtful.<sup>1</sup>

In Great Britain too "the inner half" of a house was called the *flet*; it is used with that meaning in A.D. 1400 in a law which declares that a woman was entitled to live in that part of the building during widowhood.<sup>2</sup> In 1429 a widow surrendered a cottage with a curtilage at Fulham, near London, on condition that she should have for life a dwelling-place at the east end of the house called "fere-hous," with "feer and flet" in the same.<sup>3</sup> Here "fere-hous," or firehouse, means dwelling-house, and "feer and flet" means fire and house-room. It is clear that the widow occupied a space at one end of the dwelling, and probably in the part called the *flet*. Henning has shown that in some German houses there was a room for the *leibzüchter*, or *altsitzer*, the life annuitant, behind or near the fire in the inner part of the building.<sup>4</sup> It will be remembered that, about A.D. 1300, the houses of Waterford consisted of a hall (*sale*) and chamber (*cambre*), but the expression "hall and flet" seems to be wanting in English, though "hall and bower" is frequent.

A comparison with each other of the various buildings which have been described in the present chapter will show that a basilican church is a highly developed form of a large dwelling-house. The same conclusion may be drawn from etymology, for literally and originally a basilica is a "royal palace," and a church a "lord's house." In the seventh century, Isidore of Seville gives an explanation of the word "basilica" in which he says that the dwellings of kings first bore that name, and that afterwards it was given to temples where worship and sacrifice were offered

<sup>1</sup> Rhamm, *op. cit.*, pp. 53-4, 155, 293-5. Here again the present writer is responsible for the comparison between these buildings and churches.

<sup>2</sup> "The inner halfe of the house that is called the flett."—*Burgh Laws*, xxiii. (Scottish Statutes, i.).

<sup>3</sup> *Notes and Queries*, 8th Series, xi. p. 113.

<sup>4</sup> *Das deutsche Haus*, pp. 33, 81.

to God the King of all.<sup>1</sup> The Jewish temple, or "house of the Lord," was an inhabited dwelling. On one occasion the prophet Jeremiah was bidden to go to the house of the Rechabites and bring them "into the house of the Lord, into the chamber of the sons of Hanan, the son of Igdaliah, a man of God, which was by the chamber of the princes, which was above the chamber of Maaseiah the son of Shallum, the keeper of the door: and I set before the sons of the house of the Rechabites pots full of wine, and cups, and I said unto them, Drink ye wine."<sup>2</sup>

In addition to the structural resemblance between hall and church as found in existing buildings, there is also documentary evidence which helps to prove that the latter building was evolved from the former.

In a collection of Ecclesiastical Institutes the following passage is found: "We have seen also often in the church, corn, and hay, and all kinds of secular things kept; but we will not that anything be kept therein save those things which belong to the equipment of the church, viz. holy books, and housel vessels, and mass-vestments; lest, if we otherwise do, to us be said as was said to the Jews, 'My house is called a house of prayer, now ye have made it a den of thieves.'"<sup>3</sup> These Ecclesiastical Institutes, as Thorpe entitles them, are a translation into Old English of the Capitula of Theodulph, Bishop of Orleans, who died in A.D. 821. This document, as Lord Selborne says, "really belongs to the history of the Gallican Church in the ninth, and not of the English Church in the tenth or eleventh century."<sup>4</sup> The customs, however, of the Gallican and the Anglican Church were not dissimilar.

<sup>1</sup> "Basilicæ prius vocabantur regum habitacula, unde et nomen habent, nam βασιλεὺς rex, et basilicæ regiæ habitationes. Nunc autem ideo divina templa basilicæ nominantur, quia Regi ibi omnium, Deo, cultus et sacrificia offeruntur."—*Originum sive etymologiarum Lib. xx.*, lib. xv. 4, 11.

<sup>2</sup> Jeremiah xxxv. 1-5. The meaning of "church" is discussed in W. Johnson's *Byways in British Archæology*, pp. 145-52.

<sup>3</sup> Thorpe's *Ancient Laws and Institutes*, ii. p. 406. The Latin title of the section is: "Ut nihil non sanctum ponatur in ecclesiis; non messes, non fœnum," &c. Evidently corn in sheaves is meant.

<sup>4</sup> The Earl of Selborne's *Ancient Facts and Fictions concerning Churches and Tithes*, 1888, pp. 144, 324.

The old Saxon poem called the *Heliand*, written early in the ninth century, shows that grain was stored in the hall itself. In referring to the Parable of the Sower, the words of the Vulgate, *triticum autem congregare in horreum meum*, gather the wheat into my barn, are rendered thus: *hrên kurni an mēnan sali duan*, put the clean corn into my hall.<sup>1</sup>

In the *Tripartite Life of St. Patrick* an account is given of a man called Dichu, the first Christian convert in Ulster, who gave his *saball*, or barn, as it is translated, at Armagh to Patrick, whereupon Patrick baptized him and said:

“God’s blessing on Dichu,  
Who gave me the barn.”<sup>2</sup>

This was the building afterwards known in chronicles as the Church of the Saball at Saul in the county of Down. Another life of St. Patrick has the following passage: “In that place Patrick built a church which is called Saball Pátraic (Patrick’s Barn) to-day, and he foretold to Dichu that it would be there he should go to heaven. And he gave a great blessing to Dichu and his children, *ut dixit Patricius*, then :

‘God’s blessing on Dichu,  
Who gave me the barn.’”

The Life of St. Patrick given in the *Book of Lismore* speaks of the saint as being on one occasion in the “barn” at mass. Reeves, followed by Stokes, derived *saball* from *stabulum*, *zabulum*, a standing-place, or stall.<sup>3</sup>

Another “barn” which seems to have become a church is mentioned in an account of the death of St. Columba in Iona: “When he had blessed the island he then came to his cell, and not long after came the ends of the Sabbath and the beginning of the Sunday. . . . Thereafter he went

<sup>1</sup> Henning, *Das deutsche Haus*, 1892, p. 139, referring to line 2570 of the *Heliand*; K. Rhamm, *op. cit.*, part i., 1908, pp. 286-7.

<sup>2</sup> *Tripartite Life of St. Patrick*, i. p. 37.

<sup>3</sup> *Tripartite Life of St. Patrick*, pp. 37, 451; *Three Middle-Irish Homilies*, ed. Whitley Stokes, p. 19; Reeves, *Ecclesiastical Antiquities*, p. 120; Petrie, *op. cit.*, pp. 151, 157; *Book of Lismore*, p. 157.



to *bless the barn*, and he said to his servant Diarmait that on Sunday night he would depart unto heaven."<sup>1</sup> It is probable that some of these so-called barns were really dwelling-places. Thus in the life of an early Welsh saint we are told of certain thirsty persons who went one day to the barn (*horreum*) of Cadoc, where there was always plenty of milk. Being refused they set the barn on fire.<sup>2</sup> This no doubt was a building which, in addition to being a store-house for grain, contained stalls for cows, and was probably also inhabited by human beings. On p. 230 of the *Tripartite Life* an oratory is called *saball* (barn).

A legendary account of the foundation of a church on a nobleman's threshing-floor is given in a Life of St. Padarn, who, according to Usher, visited Britain from Armorica in A.D. 517. The story relates that after the saint's death a nobleman of the city of Guenet in Armorica came forward and said: "Whilst St. Padarn was living he was always demanding my threshing-floor (*aream meam*) that he might lay there the foundation of his church; therefore, although I did not grant his request in his lifetime, I will grant it after his death." And so it came to pass that "as the temple of Solomon was honourably built in the threshing-floor (*area horrei*) of the Jebusite, so the Armoricans determined to build a lovely temple for Christ in the threshing-floor (*area*) of that nobleman."<sup>3</sup> In Armorica, otherwise Brittany, corn was not threshed, as in more southern climes, in the open air, so that the nobleman's *area* must have been in a barn or roofed building.

There is a curious story in the ancient Gaedhelic Life of St. Moling about the building of his oratory, now St. Mullins, in the county of Carlow. It was constructed of wood, and after Gobbán, the builder, had finished it his wife induced him to demand from the saint as much rye as it would hold. On hearing of this exorbitant demand the saint sent immediately to his paternal relations for

<sup>1</sup> *Three Middle-Irish Homilies*, pp. 122-3.

<sup>2</sup> Rees, *Lives of the Cambro-British Saints*, p. 53.

<sup>3</sup> Rees, *op. cit.*, p. 196.



assistance, and in the end, by the working of a miracle, the building was filled with bare rye grain.<sup>1</sup> Unless grain had once been stored in Irish churches such a tale would hardly have been invented.

A dispute having arisen in A.D. 1242 about the possession of the church of Llanblethian, in Glamorganshire, one Roger Meylok, who was afterwards provided with a benefice, "went to the said church, seized the corn, threshed it, and carried it away."<sup>2</sup>

If corn were laid in sheaves on the floor of even a large church there would have been little room for anything else. But was it laid on the floor, or was it kept in the top of the building, as in the great farm-houses of Germany? The late Herr Rhamm drew the writer's attention to an old farm-house near Flensburg in Schleswig-Holstein where the grain in sheaves is laid under the roof, and where, as the wagons must remain outside the house, the sheaves are passed in through a hole above the door of the house-place, to which the threshing-floor adjoins. Here the corn would be kept dry and less exposed to the attacks of vermin. In the eighteenth century it was a common practice in the Isle of Man "to have the barn over the cow-houses, which was inconvenient and expensive to drag in the crops."<sup>3</sup> Mr. Micklethwaite says that "the floors of the upper chambers" of Anglo-Saxon churches "seem to have been made of timber filled in between and covered with plaster, a method inherited from Roman, and passed on to mediæval, times. Mr. Irvine found some traces of such a floor over the chancel at Boarhunt, but the walls above it had not been plastered, which we should expect them to have been if there had been a living-room there."<sup>4</sup> We shall see, however, in the next chapter that at Haddington, in Scotland, the harvest appears to have been stored in the lower part of the church.

In some parts of Germany the husbandmen of a village

<sup>1</sup> O'Curry's *Manners and Customs of the Ancient Irish*, iii. pp. 34-6.

<sup>2</sup> "Dictam ecclesiam adivit et bladum rapuit, trituvavit, et asportavit."—*Annales de Theokesberia*, p. 126.

<sup>3</sup> Feltham's *Tour through the Isle of Man in 1797-8* (Manx Society), p. 47.

<sup>4</sup> *Archæological Journal*, liii., p. 350.

had the right to set their corn-bins in the church, the choir only excepted.<sup>1</sup> According to a Life of St. Bregwine the men of Kent are said to have brought their goods to the churches. One of them put a chest full of corn on the saint's tomb, which had a flat top, and was raised but a little above the pavement. But on the following day he found that the chest had been removed from its place, and, thinking that he had put it down carelessly, he restored it to its place again. When, however, he returned on the next day he found that the chest had been removed again, and the corn scattered over the pavement. What had been done was noised abroad, and people began to visit the tomb.<sup>2</sup>

Heyne remarks that in a German glossary *kornhūs* interchanges with *rahcat*, hall,<sup>3</sup> which is cognate with the Old English *ræced*, with the same meaning, in *Beowulf*; the Corpus Glossary, of the eighth century, has *ræcedlic*, palatial. A particular description of the Archbishop's corn-house at Erfurt shows that such a building sometimes contained dwelling-rooms for the members of the household, or the men-servants and maid-servants.<sup>4</sup>

A book called the *Chronik von Einhausen*, which was compiled in 1808, doubtless from old sources, records the fact that the lord's chamber or corn-house in that village became the church. "In the year 1144," we are told, "the Count of Henneberg gave to Dietrich Edler von Marschall zu Ostheim seven hides of land in fee, which at first he seems to have cultivated by his own men, for he built there a chamber or corn-house (*Kemnate oder Kornhaus*), with a stone watch-tower. Moreover, a large and excellent cellar, now belonging to the community, may be his work, this building having been erected for the purpose of storing the wine that was grown on the hills called the Vineyards, and which indeed occupy an ideal site for the

<sup>1</sup> M. Heyne, *Das deutsche Wohnungswesen*, p. 177.

<sup>2</sup> *Nova Legenda Anglie*, ed. C. Horstman, 1901, i. p. 134.

<sup>3</sup> M. Heyne, *op. cit.*, p. 93, referring to Steinmeyer, iii. 628, 5, where we have: "granarium *chornhus* vel *rahcat*."

<sup>4</sup> Heyne, *op. cit.*, p. 296.

cultivation of the vine. Furthermore, he built a mill on the river Hasel, or held it of the Count in fee. Later these estates were divided among the neighbours, but they render dues to the Von Marschalls, and have to pay a

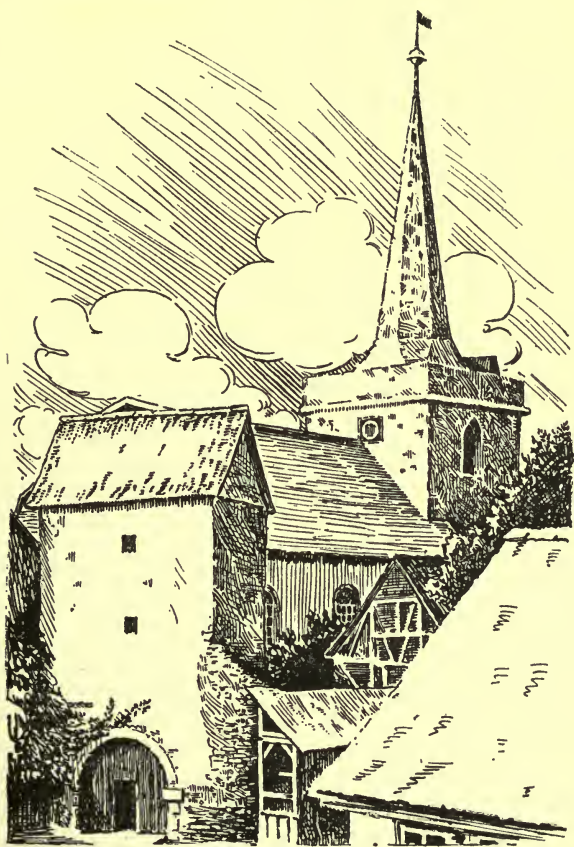


FIG. 17.—Church at Einhausen.

considerable quit-rent to this present day. *The chamber was made into a church for Einhausen*, and the watch-tower, which had a parapet round the top, was provided with a stone spire, so that it looks like a church tower (Fig. 17). It is entirely of stone, and the spire has a substructure of

wood. The use of the fine cellar beside the church, which has been built over, has so far been left by the community in the hands of the lessee (*Pachtwirt*) for the time being. The church being small, very old and ruinous, an entirely new and larger building was erected by the community between 1726 and 1729."<sup>1</sup>

The lesser German nobles called their rural fortified dwelling-places by the name of *kemenäten*, or chambers.<sup>2</sup>

At Walldorf, not far from Einhausen, there is a great cellar, just within the fortified walls of the churchyard, and originally approached from without. It is of unusually large dimensions, being 23 m. long, 4.50 m. broad, and 3.30 m. high. Like the cellar at Einhausen, a building has been erected on the top of it.<sup>3</sup> In both cases we are reminded of the English church-house, or, as it was sometimes called, the church ale-house. The church-house, like the cellars at Einhausen and Walldorf, consisted of an upper and a lower story, and usually stood, like the cellar at Walldorf, just within the churchyard (see Fig. 26 below). But although the church-house was always subject to a chief rent payable to the lord, it remained, as will be seen in a subsequent chapter, in the hands of the community itself. We may note that the ale brewed in the church-house was known as a "tavern of ale," as though it had been brewed, or kept, in a cellar.<sup>4</sup>

It appears that cows were kept in some of the larger churches of ancient Ireland. In a Life of St. Brigit we are told that a certain nun of her household "fell into sore disease and desired milk. *There did not happen to be a cow in the church* at that time, so a vessel was filled with water for Brigit, and she blessed it, and it was turned into milk." The old Irish word for "church" here used is *recles* (= *ro-ecles*), which, according to Dr. Whitley Stokes, means "a great church," though it means "a little church" in his edition of the *Tripartite Life of St. Patrick*. The *Book of Lismore*, in which this Life of Brigit is contained, was compiled from the lost *Book of Monasterboice* and other manu-

<sup>1</sup> E. Fritze, *Dorf-biluer*, 1906, pp. 43-4.

<sup>3</sup> Fritze, pp. 96-7.

<sup>2</sup> Heyne, *op. cit.*, p. 359.

<sup>4</sup> See Chapter XIV. below.



scripts in the latter half of the fifteenth century. Of a certain Irish monastery called Cell Malaich, we are told that "five cows can hardly be fed there."<sup>1</sup>

According to the ancient laws, cows lived in the Irish house (*teck*). In 1603, or forty years after the Scottish Reformation, a man was accused of shamefully misusing the church of Cunningsburgh, in Shetland, by putting his goods therein, and making the same into a cow byre. For doing this he was ordered to make repentance in the presence of the minister and the whole congregation on Sunday in sackcloth, and to pay forty shillings to the King for his offence.<sup>2</sup>

In Ireland there is other evidence showing that churches, which in that country were entirely monastic, had their origin in the halls of chiefs. It is a well-known fact that most nations of the world had a common hearth in the chief's house; "any book on the folk-lore and customs of almost any primitive nation will supply examples."<sup>3</sup> So when we hear that the site of St. Mullins is recommended to Moling by an angel because there is "a fire alive there for thirty years awaiting thee," the recommendation means that a church or monastery should take the place of a hall in which fire was constantly kept burning. From such a fire the fires of the settlement were rekindled. Traditions of this custom, mostly worn down, or perverted by the hagiographer, are frequent in Irish and Welsh Lives of Saints. Thus on one occasion when a shepherd's fire has gone out it is rekindled by St. Molua, and the faithful, hearing of the miracle, come and divide it among many houses. On another occasion a wicked boy extinguishes the holy fire kept burning, from one Easter to another, in a certain monastery. On the arrival of guests "there was then no fire in the monastery, because fire was wont to be kindled daily from the consecrated fire through the whole place." And so the guests were

<sup>1</sup> *Book of Lismore*, pp. v. cxix. 189; *Tripartite Life*, pp. 89, 199.

<sup>2</sup> *Ancient Laws of Ireland*, iii. p. 41; Tudor's *Orkneys and Shetland*, 1883, p. 474.

<sup>3</sup> Smith's *Dictionary of Greek and Roman Antiquities*, art. "Prytaneum."



chilled on a snowy day.<sup>1</sup> St. Brigit had a perpetual ashless fire, watched by twenty nuns, of whom herself was one, blown by fans or bellows only, and surrounded by a hedge within which no male could enter. The Irish laws mention the ever-living fire in the chief's house, and also the "blower" or bellows by which the fire was kept up.<sup>2</sup> In one or two of the oldest thatched cottages near Tramore, co. Waterford, a narrow flue runs from beneath the fire on the hearth to a circular wooden fan, of primitive appearance; it is enclosed in a wooden case, and is turned by a wooden handle.

In English churches the holy fire was rekindled at Easter. In the churchwardens' accounts of St. Edmund's, Salisbury, there is a charge in 1491 of two pence for coals to make the holy fire on Easter Eve: all lights were then quenched, fresh fire being drawn from flint, and distributed by hallowed tapers.<sup>3</sup> The custom was very old, for, among the Romans, it was the duty of every family on the first of March to put out its sacred fire and light another immediately.<sup>4</sup>

<sup>1</sup> *Vitæ Sanctorum Hiberniæ*, ed. Plummer, p. cxl.; i. pp. 212, 231; ii. p. 206.

<sup>2</sup> *Three Middle-Irish Homilies*, ed. Whitley Stokes, 1877, p. vii.; Giraldus Cambrensis, *Topogr. Hib.*, cc. 35-6; *Ancient Laws of Ireland*, i. pp. 127, 145, iv. p. 311.

<sup>3</sup> *Churchwardens' Accounts of S. Edmund and S. Thomas, Sarum*, ed. Swayne, pp. xiv. 39.

<sup>4</sup> Macrobius, *Saturn*, i. 12.

## CHAPTER III

### UPPER ROOMS IN CHURCHES—WELLS IN HOUSES AND CHURCHES

IN the two previous chapters reference has been made to halls and churches with upper rooms, and we have seen that the upper aisles of Coptic churches are occupied as dwellings to this day. Nobody will doubt that Cormac's Chapel, with its upper stories, fire-place, and flues, was occupied as a dwelling, and we may now give an account of other churches which in some cases certainly, in others possibly, were occupied as dwellings.

With regard to Cormac's Chapel and other Irish buildings of a similar but less elaborate kind, Miss Stokes says: "These buildings are invested with a peculiar interest from the fact that they were not only places of worship, but also dwelling-houses, the habitable portion being a chamber over the stone-roofed chancel, to which access was gained from the body of the church by one of three different methods. The first and most primitive, as in St. Kevin's, by a ladder from the body of the church through a hole in the ceiling of the lower story, which hole is afterwards replaced by a doorway over the choir arch, as at Donoughmore, and then a winding staircase, either in the wall, as at St. Saviour's, or in a side tower or turret which leads to the chamber above, as in Cormac's Chapel. At a later date a small portion of the west of the building has been constructed to answer all the purposes of a dwelling-house, which was evidently separated from the sacred portion of the structure by a wooden partition, or possibly thin wall, and divided by a wooden floor into a basement and upper story. A staircase in the thickness of the wall leads to a doorway opening on the

chamber in the upper floor. This peculiarity is to be seen in the church of St. Catherine, in the County of Wexford, and the old church of Castle Gregory, in the County of Kerry, as well as in a fortified church at Clonmines, on the coast of Wexford."<sup>1</sup>

On the north side of the cathedral at Killaloe, co. Clare, is a very old and small stone-roofed building. It is described as a church, but is nevertheless called St. Flannan's House. The hall, or nave, 29 feet 4 inches long, is all that remains of it, but a chamber, or chancel, about 12 feet long, was formerly annexed. Above the hall, and within the sloping sides of the high roof, is an apartment with a window at each gable end. That in the west gable has a semicircular head, and that in the east a triangular arch. The so-called chancel arch is 8 feet 6 inches high to the vertex of the arch, and about 4 feet 6 inches wide.<sup>2</sup> It is impossible to say whether this building was a church or a dwelling-house; if tradition be right it was a house.

At Brigstock, in Northamptonshire, a church, built in the eleventh century, and consisting of west tower, nave, and chancel, has a doorway from the tower to a loft above the nave. In this church a stair turret has been added to the west of the tower as a means of access to the loft. The same arrangement is found in a few other places, as at Brixworth, in Northamptonshire.

"The use of church towers as dwellings," says Mr. Micklethwaite, "seems to have been general to the end of Saxon times, and we find examples of it here and there up to the fourteenth century, or even later." Of these, the most remarkable stood lately at Irthlingborough, in Northamptonshire, where a small college was founded late in the fourteenth century. "To accommodate it there was added to the church a western tower arranged for a dwelling-house, which had so much in common with the early Saxon tower dwellings that their influence on its arrangements can scarcely be doubted. There was a porch of four doorways, not placed under the tower, but between the

<sup>1</sup> *Early Christian Architecture in Ireland*, 1878, p. 121.

<sup>2</sup> Petrie, *op. cit.*, pp. 277-81, 437.

tower and the church, as in the Saxon example at Dover. The north and south doors were the entrances : the eastern led to the church and the western to the tower. There were three stories of rooms above the bell chamber, and others below, some having fire-places. . . . Irthlingborough is within a day's walk of either Brixworth or Brigstock, and the building of such a tower at so late a date is strong presumptive evidence that the Saxon towers in those places were still inhabited at that time."<sup>1</sup>

But we are not confined to archæological evidence. There is historical proof that priests and others dwelt or slept in churches. Gregory of Tours, who lived in the sixth century, says that Rigunthe and Fredegunde dwelt in churches. Erminfrid flees to the church of St. Remigius, and remains there many days. Laurentius, according to Bede, in 616 orders his bed to be laid in the church of Peter and Paul, and falls asleep there. The parish church of Eglwys Rhos, in Carnarvonshire, is celebrated for the death, in the sixth century, of the Welsh prince Maelgwyn Gwynedd, who had taken shelter there to avoid the yellow pestilence. St. Patrick abides at the great church (*domnach*) of Mag Réta throughout a Sunday. A priest, who was the counsellor of Earl Tosti in the eleventh century, orders a bed to be prepared for him in the church, because the adjacent inns are all full. In a Life of St. Ulfric, who is said to have died in 1154, a priest called Osbern hastens to a church in the dusk of evening to rest, and sees its windows blazing with a great light which illuminates all the churchyard.<sup>2</sup> Less than a century ago travellers in Iceland usually slept in the church, as any book of travels in that country will show. In early times very little is said about eating and drinking in British churches, though sanctuary men who could remain in church forty days must have been provided with food. But in Ireland the Lives of the Saints often mention feasts held in the *cills*

<sup>1</sup> J. T. Micklethwaite in *Archæological Journal*, liii. pp. 346-51.

<sup>2</sup> Gregory of Tours, 7, 10, 15; 7, 29; Fredegarius, 79, 83, in Heyne, *op. cit.*, p. 85; *Tripartite Life of St. Patrick*, i. p. 193; *op. cit.*, p. 85; Pennant's *Tours in Wales*, ed. 1883, p. 137; *Nova Legenda Anglie*, ii. pp. 271, 515; Bede, *Hist. Eccl.*, ii. 6.



or smaller churches, which seem to have differed in no respect from houses.

The church of St. Magnus at Egilsey in the Orkneys consists of a chancel internally nearly 16 feet in length; a nave 30 feet by nearly 16 feet; and a round tapering tower, 7 feet 8 inches in diameter at the bottom, annexed to the west end. The chancel is a very rude cradle-vaulted cell, opening without jamb-posts at once into the nave. In both compartments of the church the external roof is wanting, and so is also the lower or inner one of the nave, which must have had a ceiling of timber. The late Mr. Muir says that "the gable-spaces between the roofs, which were entered by a doorway through the tower, were probably domestic apartments, an arrangement which seems to have been common in early times, and of which there is a very similar instance in the curious church of St. Carmaig." The room over the chancel was lighted by a round-headed window in the east gable 18 inches high. There is a doorway with a semicircular head, and measuring 6 feet 4 inches by 2 feet 2 inches, which formed the means of communication between the room over the nave and that over the chancel. The tower was entered by a doorway at the west end of the nave. In the north and south walls of the nave are two rude round-headed doors near its west end, and, as usual, exactly opposite each other.<sup>1</sup> We are reminded of the chambers formerly existing over the church at Broughton (p. 11, *supra*), which, it will be remembered, were entered through a door in a round tower at the west end.

The Chapel of St. Carmaig, or Cormac, in the small island of Eilean Mor, off the coast of Knapdale, in Argyllshire, is a very rough and primitive building, measuring 37 feet 3 inches in length externally (see the plan, Fig. 18). It is divided into two lower compartments. The lower eastern compartment is a cradle-vaulted cell, 12 feet 10

<sup>1</sup> T. S. Muir's *Ecclesiological Notes*, 1885, pp. 68, 115; Anderson's *Scotland in Early Christian Times*, 1881, i. pp. 34 f.; Tudor's *Orkneys and Shetland*, p. 346. The best and fullest account is in Macgibbon and Ross, *Ecclesiastical Architecture of Scotland*, i. pp. 127-35.



inches long internally, and 10 feet 7 inches wide. The lower western compartment, measured internally, is 16 feet long, and 13 feet 9 inches wide. Over the vaulting of the former is a very small chamber ceiled with stone slabs. The only opening into this chamber is an oblong, flat-topped door high up in the wall which divided it from a chamber once existing above the lower western compartment. The entrance to the lower eastern compartment was originally, it is said, by a large, rude, semicircular "chancel arch," formed of thin slates, but is now through a flat-headed doorway in the centre of the wall with which,

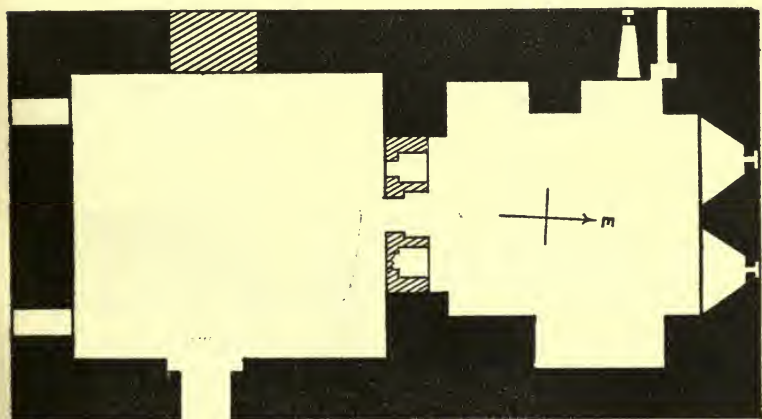


FIG. 18.—Plan of Chapel of St. Carraig.

at some subsequent period, that arch is said to have been blocked. The semicircular arch may have been intended to take the weight off the lintel of the flat-headed door below. The two small apertures on each side of this doorway are of much interest. It will be noticed that the one on the north side goes through the wall, like the squint of an English church, and that the other on the south does not. They may be compared with the two similar apertures, blocked on their western sides, between the nave and chancel at Kilpeck (see Fig. 6, p. 10, *supra*). Another interesting but enigmatical feature is the diminutive aperture, close to the ground, adjoining the window on

the north side of the eastern compartment. It may have been a drain, but it is now blocked at its outward end. The western compartment is roofless, and otherwise considerably dilapidated. There is a fire-place and chimney in the upper part of the west wall, as in Cormac's Chapel in Ireland. The doorway up in the wall which divided the two upper compartments of this Scottish building can now only be approached by a ladder, and it is likely that, as in Steetley Chapel, the doorway was the means of communication between them. Was this building a church or a house, or both? The large round-headed recess in the south wall of the inner compartment contains a headless effigy, said to have been that of an ecclesiastic. But there is no churchyard wall, and the only trace of sepulture is the so-called tomb of St. Carraig—a low wasted building about 9 feet in length, a few paces south-east of the building.<sup>1</sup> Many similar buildings have been occupied as dwellings in comparatively modern times, and nobody knows how far that occupation goes back.

From the evolutionary point of view the most remarkable church, if it were a church, in Scotland was that which stood on the small uninhabited island of Enhallow in the Orkneys. This building, of which Fig. 19 gives the plan, was examined by Mr. Muir in 1865. Its exterior length is 52 feet 8 inches, and its extreme width 23 feet 4 inches. It consisted of a nave 20 feet 7 inches by 12 feet inside, to the west of which was a round arch, 4 feet 3 inches wide, leading into a room 7 feet 9 inches by 7 feet 5 inches inside. There was a compartment at the east end measuring 12 feet 8 inches by 8 feet 9 inches inside, and on the north of it a small building which has been fancifully called a sanctuary or mortuary chapel. On the south of the building was an adjunct, "containing," says Mr. Muir, "in one of its corners the remains of a stair which had led to an upper apartment, forming very likely the abode of the priest. A fire-place and chimney in the upper part

<sup>1</sup> Anderson, *op. cit.*, i. p. 110; T. S. Muir, *op. cit.*, pp. 19, 20, 198 f.; Macgibbon and Ross, *op. cit.*, pp. 89, 91.

of the wall and gable of the eastern extremity of the church show that a room of like kind had also been there." Five steps of this stair remain, and it may have been the means of approach to an upper floor extending over the whole structure. "The building," says Mr. Tudor, "had long been occupied as a dwelling-house, and of course had been very much mutilated; but summing up the probabilities, Dryden is of opinion that the nave and chancel were eleventh or twelfth century work; that a new chancel arch was put up in the fourteenth century, at

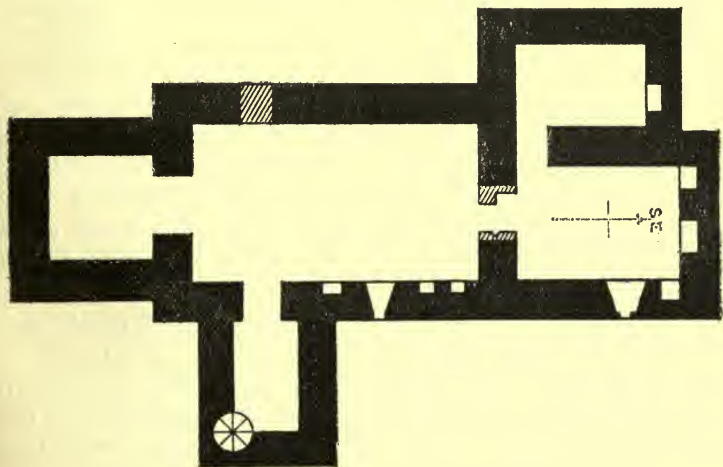


FIG. 19.—Plan of Church or House at Enhallow.

which date the buildings at the west end and on the south side were added." "The masonry," says Mr. Muir, "like that of most of the Orkney churches of old date, is very rude; the windows, of which only one or two are entire, are flat-topped and have their jambs of one stone. The two openings, or passage-ways, connecting the end apartments with the central one are arched, the western arch being semicircular, the eastern one sharply pointed and formed of thin slates."<sup>1</sup> Was this building a church or a house? Neither Mr. Muir, Mr. Tudor, nor Messrs.

<sup>1</sup> T. S. Muir, *op. cit.*, pp. 68, 252-4; J. R. Tudor, *op. cit.*, 1883, pp. 350, 617. Messrs. Macgibbon and Ross give a very full description of this building (*op. cit.*, i. pp. 116-22).

Macgibbon and Ross mention a churchyard, a cross, a tombstone, or any kind of Christian ornament, nor does anything appear to be known of the history of the building, or of any dedication to a saint. Our plan only shows a doorway on the north side, and that is built up. It is, however, shown as open by Messrs. Macgibbon and Ross. The pitch of the roof was about 88 degrees.

The ruined Late Norman church of St. Martin, Haddington, had a story above the vaulted roof of its nave, "as is apparent from the windows in the west gable. The gables are very steep and lofty, and are so constructed as to admit of rooms in the top story. . . . A peculiarity of the old walls is that they have numerous holes, about 10 inches square in three courses in the height, running right through the wall. These may have been putlog holes, used for scaffolding; but the extraordinary thing is that they should all be left open. Possibly they were only closed with a stone on the outside and inside, so as to be easily made available at any time if required, and these stones may now have fallen out. Similar rows of holes may be observed in the walls at St. Helen's and elsewhere."<sup>1</sup> The church of St. Martin is surrounded by a burial-ground. The holes in the walls do not occur in the upper story. They are found on the three sides of the nave, and on each side of the chancel arch. The nave has a south door exactly opposite a north door in the usual place near the western end. There are two narrow and deeply splayed windows on the south side, and one on the north. The chancel has been destroyed, but its arch remains in the east wall of the nave.<sup>1</sup> If sheaves were stored in the lower part of the building the holes may have been intended to admit air. The laws of Howel say: "Let every one leave his barn open until the calends of winter that wind may circulate therein."<sup>2</sup> We saw in the last chapter that corn was stored in churches.

There is a building in Norfolk which has lately been

<sup>1</sup> Macgibbon and Ross, *op. cit.*, i. pp. 362-6, where a plan and drawings are given.

<sup>2</sup> Wade-Evans, *Welsh Mediæval Law*, 1909, p. 246.



described as a Norman chapel, but which Britton in 1835 called a house. Winwall House, he says, "may be considered the most ancient and most perfect specimen of Norman architecture in England." The walls, the buttresses, with cylindrical shafts at the angles, the form and situation of the fire-hearth and chimney-piece are all, he says, "indicative of Norman design." The ground story has a small doorway on the south side, and is lighted by three windows. A partition wall divides the space into two apartments, the smaller of which is arched over and supports a sort of plaster floor. This floor also contains two apartments, the largest of which had four small windows, and a fire-place. The whole building is 35 feet in length by 27 in breadth, and in height to the top of the side walls, 16 feet. "It has the appearance of being a complete insulated edifice, the outline of which appears to be entire and original, and everywhere strictly Norman. We cannot perceive any marks of altar, piscina, or other indications of its having been a chapel, although Parkin in his *History, &c.*, of Norfolk refers to it as such, and says, 'in a writing about 1570 I find it wrote *Wynhold Capella.*'"<sup>1</sup> Parker describes it as "a Norman chapel turned into a house in modern days." But the fire-hearth and chimney-piece are as old as the building itself, so that here we have a chapel so like a house, or a house so like a chapel, that it is impossible to distinguish one from the other.

To digress for a moment, we occasionally find a piece of evidence which suggests, though it does not prove, that the origin of the church must be sought in the hall. Such a piece of evidence, for example, occurs in an unpublished Life of St. Wulfstan, Bishop of Worcester, who died in 1095, and was probably born about 1012. One of his biographers, writing in 1170, says that when the bishop went to dedicate a church at Langene on the Severn he ordered a nut tree, which overshadowed the church, to be cut down. This was resisted by the patron, because he sometimes feasted or played at dice under its

<sup>1</sup> *Architectural Antiquities*, v. p. 180, where a drawing and plans are given. He refers to Parkin's Blomfield's *Norfolk*, vii. 589.



shade.<sup>1</sup> The tree was probably a walnut, which grows to a considerable height, and has large spreading branches. Walnuts, says Mr. W. Johnson, are not uncommon in English churchyards ; there is one near the "Saxon" church of Clee, in Lincolnshire.

The entrance to the tower of Lasswade Church, near Edinburgh, was from a round-headed doorway in the west wall of the nave. "Above this was a large round-arched opening into the roof of the church."<sup>2</sup> This opening, as shown in an elevation of the eastern side of the tower given by Messrs. Macgibbon and Ross, was a large doorway, extending considerably below the level of the eaves of the nave, so that it must have led into an upper story over the nave. The building was probably erected in the first half of the thirteenth century. The tower fell in 1866. When the Rev. F. Metcalfe was at Reykjavik, in Iceland, about 1860, he asked to be taken to a bookshop. Accordingly he was invited to ascend the tower of the church, and came to a door which opened into a chamber above the nave. There was the bookshop, and there were some agricultural implements.<sup>3</sup> The tower is of wood, the rest of the building of stone.

A chapel at Heath, in Herefordshire, is a remarkably curious specimen of Anglo-Norman architecture in its simplest form. It is a plain rectangular building, with pilaster strips at the corners and in the centre of the walls, and consists of a nave with a small chancel. The windows, particularly at the west end, are mere loop-holes. There are five in the west gable, four of them being high up in its wall, above the eaves of the roof, and the other in the centre of the gable about half-way between the apex of the roof and the ground.<sup>4</sup> The upper windows were obviously intended to give light to an upper room.

<sup>1</sup> Hardy's *Descriptive Catalogue of Materials relating to the History of Great Britain and Ireland*, ii. p. 71.

<sup>2</sup> Macgibbon and Ross, *op. cit.*, i. pp. 472-3.

<sup>3</sup> *The Oxonian in Iceland*, 1867, p. 55 ; see also p. 170.

<sup>4</sup> Wright's *History of Ludlow*, 1852, pp. 99-100, where an engraving showing the south front and west end is given.

The church of North Newbald, near Market Weighton, attributed to the twelfth century, had an upper floor extending over the nave, transepts, and chancel. In the centre of each wall of the tower, immediately above the flat wood floor over the crossing, is a doorway, with a semicircular arch, "which formerly," says Mr. Bilson, "gave access to the spaces between the ceilings (probably flat) and the roofs of the chancel, transepts, and nave respectively. The floor is reached by a landing from the tower staircase to the northern opening."<sup>1</sup> Judging from the analogy of such churches as that at Deerhurst, or those at Steetley and Egilsey, the spaces between the ceilings and the roofs at Newbald were upper rooms, intended either for habitation or for storing corn or goods. Doorways very high up in the walls of the central towers of early churches, and now below the roofs, as at Melbourne, in Derbyshire, once led to upper rooms.

The chapel of the Priory at Hinton Charterhouse, in Somersetshire, is of two stories, and is perfect; it is unusually small.<sup>2</sup> Stapleton Church, near Shrewsbury, consisted of two stories erected one over the other, and thrown together at a later date. The upper part is lit by windows of the fourteenth century. The earlier and lower portion, now several feet below the present level of the ground, has been attributed to the eleventh century. The church was "restored" in 1866, when the windows in the lower church, which are mere slits in the very thick walls, were discovered. In the churchyard is a large artificial mound. In Germany such buildings as these have been called "double churches." One of the best examples is that of Schwartz Rheindorf, near Bonn, erected in 1148. It is simply a church in two stories, the upper floor being approached by an external staircase. Various explanations of these so-called double churches have been offered. Some say that they were intended to afford an increase of accommodation, and so that two congregations could hear the service at the same time, an opening for that

<sup>1</sup> *Yorkshire Archæological Journal*, xxi. p. 9.

<sup>2</sup> Rickman's *Gothic Architecture*, 6th ed., p. 246.

purpose having been made in the floor of the upper church. As regards Schwartz Rheindorf, it has been suggested that the object of the upper church was to provide a place of worship for the inhabitants in case of floods.<sup>1</sup> But these are unfounded guesses.

The nave of the ruined Church of the Holy Ghost at Wisby in the Isle of Gothland has an upper story which, like the lower story, is now open to the chancel. There is an upper, as well as a lower, chancel arch, but the chancel itself has no upper story, though probably it formerly had one. In the south-west and north-west walls of the lower story narrow staircases in the massive walls lead to the upper story, meeting in the centre of the west wall above. There was formerly a third story, as can be seen at Ostarlars and in the round church at Thorsager, where there is even a fourth story.<sup>2</sup> The Church of the Holy Ghost is the oldest in Wisby; it has been ascribed to A.D. 1046, but it appears to be much later.

The church of Deerness in Orkney had two cylindrical towers at the west end, and was divided into nave and chancel, the latter being vaulted. "A doorway opened from the chancel on a spiral staircase, leading to a small apartment between the towers on the second story, from which was the entrance to the second tower."<sup>3</sup> The building was pulled down before 1832, and no good description seems to have been preserved. The drawings, however, published in Low's *Tour*, 1774, show that there were outside stairs leading to an upper room, which appears to have extended from one end of the building to the other.

The figure of the Church of St. Peter at Westminster given in the embroidery called the Bayeux "Tapestry" (Fig. 20) shows a building divided by an elaborate tower into two limbs of unequal length, the shorter limb representing the chancel, and the longer the nave. It will

<sup>1</sup> Fergusson's *History of Architecture*, ed. Spiers, ii. p. 241, where various drawings and sections are given.

<sup>2</sup> See a drawing, section, and plan of this church in Fergusson, *op. cit.*, ii. 327.

<sup>3</sup> Margaret Stokes, *op. cit.*, p. 72, where engravings are given.

be noticed that an outside stair affords the means of approach to a room above the chancel, on one side of which are two windows high up, under the eaves. The rude figure of Bosham Church, also given in the "Tapestry," has nine windows in the clerestory, and none below. Adjoining the church is the figure of a building, in the upper room of which, approached by outside steps, men are eating and drinking. We may compare the outside stair at Westminster with that whereby the room over the chancel at Compton, described in the last chapter, was approached. In a representation of a church carved on

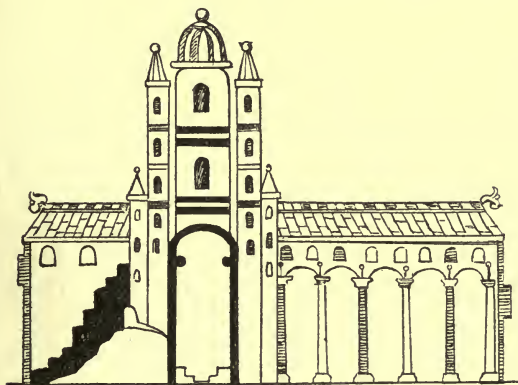


FIG. 20.—St. Peter's, Westminster, showing external stair.  
(From the Bayeux "Tapestry.")

a capital in St. Sauveur at Nevers, the windows are all high above the ground, and none appear in the lower part of the building. There are three windows in one of the gables, of which the uppermost is close to the ridge-tree.<sup>1</sup>

Wells were anciently very common in the larger dwellings of the richer classes, and when we find them also in churches, we have another reason for believing that those buildings were originally chiefs' halls, or developments of such halls. The Irish law-tract known as the *Crith Gabhlach*, attributed to the seventh century, says that the Brughfer, or local magistrate, "may, or may not, have a well in the floor of his house." The Brughfer, how-

<sup>1</sup> Stokes, *op. cit.*, p. 110, where see the engraving.



ever, was entitled "to have his house built over a spring, and thus obtain the exclusive use of it."<sup>1</sup> There are wells close to the doors of many old English houses, and also in the houses themselves. In old German houses there is often a well inside the house, sometimes by the side of the hearth; in the Black Forest the well is close to the entrance of the houses. Sometimes a little stream flowed through the old Norse hall.

Wells were frequent both in and close to churches. Under the west window of the church of Kirkoswald, near Penrith, is a well which is supplied by a rivulet flowing under the aisle of the church. There is a well within one of the old Norman piers of Carlisle Cathedral. There was a little stream "right in the doorway" of an Irish church called Cell Mór. In 1472 the mayor and corporation of Coventry ordered the well at the door of St. Michael's Church to be repaired.<sup>2</sup> There was a draw-well, with a stone cistern, in the crypt of York Minster, immediately under the high altar in the choir.<sup>3</sup> Near the tower of the church at Temple Bruer, in Lincolnshire, which was built about 1250, is a fine well. Church wells are sometimes mentioned in the accounts of churchwardens, who provide them with windlasses, pumps, and other gear.<sup>4</sup>

An apt illustration of this part of our subject is the fact that every ancient Coptic church has its well somewhere on the premises. Usually it is outside the west end of the building. In one case it is inside the church itself, close to a sink, and is surrounded by a stone coping. In addition to wells there is often a tank, five or six feet deep, in the narthex or vestibule at the west end of the church. The tank seems to have been boarded over when not in use. It can hardly be contended that such tanks and wells were originally intended for religious uses, such as baptism or the washing of feet, especially as parts of the

<sup>1</sup> O'Curry's *Manners and Customs of the Ancient Irish*, i. p. cccxviii. ; iii. p. 488.

<sup>2</sup> *Coventry Leet Book*.

<sup>3</sup> Drake's *Eboracum*, p. 52.

<sup>4</sup> *Churchwardens' Accounts of Somersetshire*, pp. 109, 112, 129, 134.



churches are occupied as dwelling-rooms by the priests and their families to this day. In places where there was no running stream the Roman villa, or country-house, had a tank under cover (*sub tectis*) for the use of men, and a pool in the open air for cattle.<sup>1</sup>

St. Colman, the Irish saint, having built a church (*cellam*), and put four monks therein, they found that there was no water near, and were obliged to fetch it, with danger and great labour, from a mountain side. The brethren complained to the saint, who pierced the rock *before the door of the church* with his staff, and after that the supply of water was abundant.<sup>2</sup> There is a well in St. Govan's Chapel, near Tenby.

Near Llandudno is "the singular little building called St. Trillo's Chapel. It is oblong; has a window on each side, and at the end; a small door; and a vaulted roof, paved with round stones, instead of being slated. Within is a well. The whole building is surrounded with a stone wall."<sup>3</sup> Mr. W. Johnson has recorded many instances of wells in churchyards and near churches. Weingärtner mentions the wells in some old German churches, one of them being in the crypt. He also refers to the wells which St. Paulinus of Nola is said to have made before every basilica which he erected.<sup>4</sup> St. Patrick is said to have dug a well by a church which he founded in Drumne; it had no stream flowing into or out of it, but it was full for ever. In another legendary account we are told of a church founded over the well in which the saint was baptized. This well was by the altar.<sup>5</sup>

The so-called oratory or chapel of Madron, or Maddern, in Cornwall, of which Fig. 21 shows the plan, was built near a little stream which flows under its south-western angle, where a well has been formed which is continually fed by the stream as it passes onward. The well is

<sup>1</sup> A. J. Butler, *op. cit.*, i. pp. 22, 44, 135, 190; Varro, *De Re Rustica*, i. 11.

<sup>2</sup> *Vitæ Sanctorum Hiberniæ*, i. p. 261.

<sup>3</sup> Pennant's *Tours in Wales*, ed. 1883, p. 144.

<sup>4</sup> *Ursprung und Entwicklung des christlichen Kirchengebäudes*, 1858, pp. 79, 80.

<sup>5</sup> *Tripartite Life*, i. pp. 9, 109.

enclosed by rude masonry about 4 feet in height and  $2\frac{1}{2}$  feet in width, a moor-stone lintel being placed across its top. There is a doorway in the north wall which splays inwardly, measuring 2 feet without and 2 feet 8 inches within, and a window, about 1 foot 3 inches in width, in the south wall. The floor of the now roofless building,

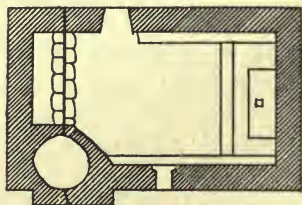


FIG. 21.—Plan of "Oratory" at Madron.

says the Rev. W. Haslam, "is sunk below the level of the surrounding cemetery, and it has a division running across it, to mark the limits of the nave and chancel." Stone benches were built along the two side walls; the upper stones were wrought to a smooth surface, and being of greater breadth than the masonry beneath, their under edges were bevelled by a plain chamfer. The building was enclosed by an outer wall, the foundations of which may yet be traced. Pilgrimages were formerly made to the well, and there is a tale about the healing of a cripple. The stone slab at the east end, which is said to have been the altar, has a cavity near its centre. This hole is about a foot square and an inch deep. Nearly all the so-called Cornish oratories are built close to small water-courses.<sup>1</sup> Some of these buildings were probably houses.

<sup>1</sup> Rev. W. Haslam in *Archæological Journal*, ii. pp. 225 f; Blight's *Churches of West Cornwall*, 2nd ed., p. 230.

## CHAPTER IV

### TOWERS WITH ADJUNCTS—FORTIFIED CHURCHES —CHURCHES BUILT ON THE SITES OF HALLS AND CASTLES

IN addition to the buildings examined in the previous chapters, there was another kind of structure, described as a church, which consisted of a tower with adjuncts, and which was originally a tower-house. Such tower-houses afford a singular proof of the evolution of the church from more than one kind of dwelling. Mr. Micklethwaite and Professor Baldwin Brown have described them as cases in which a tower forms the main body of a church.

The pre-Conquest Church of St. Peter at Barton-on-Humber is the best example that can be chosen. What is left of the original part of this building now consists of the tower and western adjunct shown in Fig. 22, the existence of an eastern adjunct being proved by a lucky discovery made in the course of recent alterations, in which not only were its foundations laid bare, but traces of its walls, and of the height to which they rose, seen on the eastern face of the tower. The result is that we get the building shown in Fig. 22 and the ground-plan, Fig. 23. Here we have a hall or vestibule about 18 feet square, with doors in the north and south, not in the middle of the walls, but near their western limit, like those in the "royal hall" at Deerhurst described in the first chapter. The northern door, as in many old churches, has been blocked up from an early time. The hall appears to have been lighted by a small window which formerly existed on the south, though it is not at present visible on the outside. "On the inner south wall of the tower basement," says Mr. Robert Brown, "are lines which, I think, show very

clearly that a small circular window there has been blocked up. A little brickwork appears in part of this space. Such a window would have been much needed for light."<sup>1</sup> We

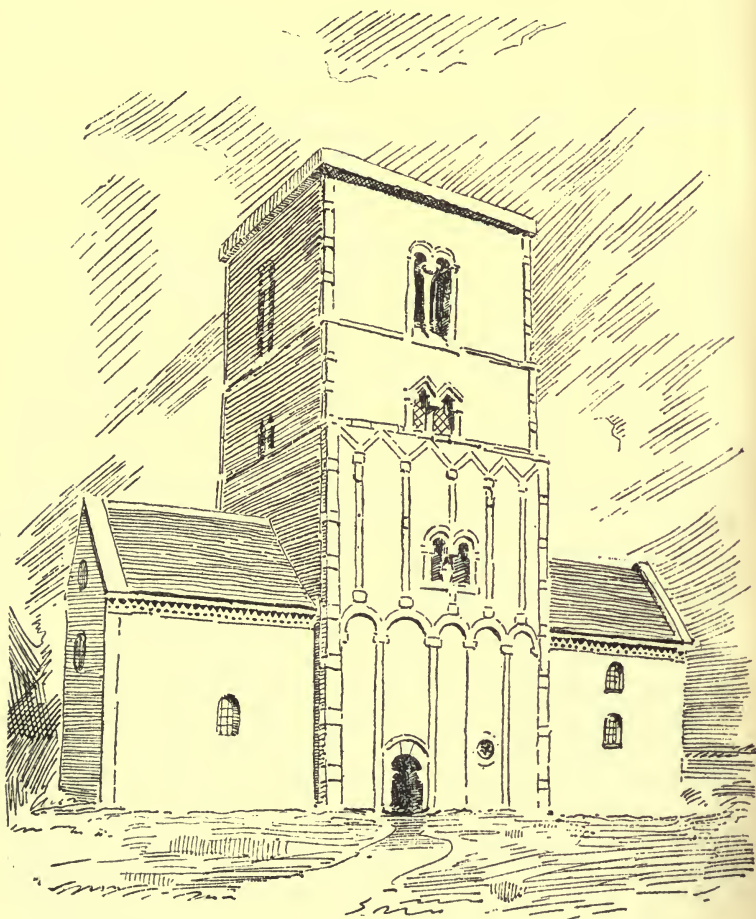


FIG. 22.—St. Peter's Church, Barton-on-Humber (as it was).

may compare this small blocked-up window with a round-headed blocked window cut out of a single stone, on the east side of the beautiful early doorway of the tower of

<sup>1</sup> *The Earlier History of Barton-on-Humber*, 1906, i. p. 62.



Ledsham Church, near Pontefract. This doorway is on the south side.

An arched opening, about 4 feet wide, leads out of the hall into the adjunct on the west side of the tower at Barton. In this adjunct there is a round-headed window on the south face, and two circular openings, one above the other, in the western wall. That the eastern adjunct rose to about the same height as the western is proved not only by the traces of its walls found on the eastern face of the tower, but by an upper doorway in that face

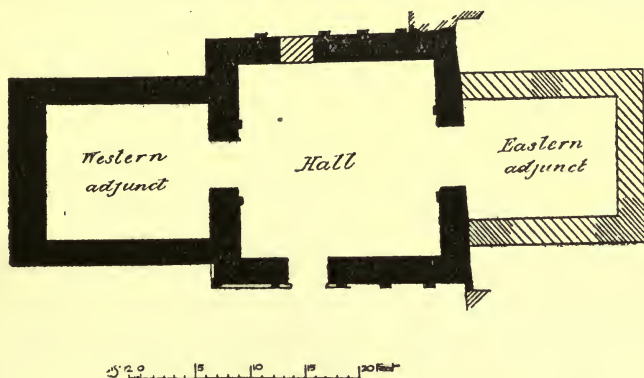


FIG. 23.—Ground-plan of St. Peter's Church, Barton-on-Humber.

which formed the entrance to an upper room in the eastern adjunct.

Doorways instead of tower arches occur here and there. At Leathly, near Otley, instead of a tower arch there is a doorway, 3 feet 4 inches wide, closed with an iron-bound door, the sill of which is 3 feet above the floor of the church. Above the door is an opening which may have been a doorway to give access to an upper floor in the church. Professor Baldwin Brown says that the tower at Leathly should only be doubtfully included in any pre-Conquest list. It is, however, of early date, and the iron-work of the ancient door is a very fine example of the smith's art.<sup>1</sup> At Salkeld Church, in Cumber-

<sup>1</sup> Baldwin Brown, *The Arts in Early England*, ii. p. 166; W. Cudworth in *The Reliquary* (N.S.), xi. pp. 204 f.

land, instead of a tower arch there is an iron-bound door. The only entrance to the tower of Burgh Church, near Carlisle, is from the inside of the nave, and it is secured by a ponderous iron-bound door.

At Barton, then, we have a building which consisted of three rooms on the ground-floor, with three corresponding rooms above them, and also two other stories above the middle upper room, forming a tower. Undoubtedly the upper rooms of this building were intended for habitation, or for some practical use. There is evidence that towers were used as churches at an early time. It is characteristic, says Konrad Lange, that in *The Shepherd of Hermas*, which has been ascribed to the second century, the Church of Christ is never symbolised by a church-building, but by a tower (πύργος), and that *ecclesia* has no symbolic meaning for the Church.<sup>1</sup> In England we have many place-names, such as Tibshelf, Waldershelf, Tanshelf, Hunshelf, and Ulleskelf, where the first element of the word is a proper name, and the second is the O.E. *scylf*, O.N. *skialf*, a turret, or tower. Vigfusson and Powell say that in an old Norse poem, describing life in the British Isles, *hlid-skialf* means watch-tower,<sup>2</sup> literally gate-tower.

The tower and adjuncts at Barton are not built due east and west like a church; they incline, like Cormac's Chapel and many an ancient house, to the south-east. However inadequate they may seem to have been for Christian worship, there is no doubt that they formed the church mentioned in Domesday, though when first erected the building may have been analogous to a Scottish or Northumbrian peel-tower. The tower and existing western adjunct, according to Mr. Micklethwaite, are a little earlier than the Norman Conquest. The tower has pilaster strips, which are joined by round and angular arches. The openings in its walls contain the baluster shafts which are regarded as a characteristic of

<sup>1</sup> *Haus und Halle*, p. 306, referring to *The Shepherd of Hermas*, Vis. III. 2, 5 f.; Sim. VIII. 7 f., and IX.

<sup>2</sup> *Corpus Poeticum Boreale*, 1883, i. p. lix.

pre-Conquest architecture. In a later mediæval period a large new building (Fig. 24), comprising nave, aisles, porch, and chancel, was added to the eastern side of the tower, the adjunct on that side being absorbed or destroyed.

Not far from the wall of the mother church at Hexham there was, according to Prior Richard, another church built in the form of a tower (*in modum turris erecta*), and almost round, with an adjunct on each of its four sides.<sup>1</sup>



FIG. 24.—St. Peter's Church, Barton-on-Humber (as it is).

In such cases the heart of the church was a tower, and it might have had adjuncts on any of its sides.

Rather less than 120 yards to the north-west of the church at Barton is another church, now called St. Mary's, which is built on a mound. In 1401 it was known as the Chapel of St. Mary at the Spring, but its older name was the Chapel of All Saints. In 1115 Walter of Gaunt gave to Bardney Abbey his manor of Barton, and also the Church of St. Peter there, together with the Chapel of All Saints, which had been named or dedicated about that time.

<sup>1</sup> Raine's *Priory of Hexham*, ii. p. 14.

In 1891-2 the nave of St. Mary's was altered, and the walls of an ancient building were found. They were about 5 feet thick, 66 feet long, and 24 feet apart. The north and south walls followed the lines of the pillars of the nave; the east end was on the line of the chancel step, and the west end about 3 feet east of the tower. This chapel, or church as it was afterwards called, *never had any parochial endowment*, the same clergyman being incumbent of St. Peter's and St. Mary's to this day. The vicar, however, had a chaplain in 1209-35, but on the appointment of a vicar of Barton in 1241 nothing is said about the Chapel of All Saints.<sup>1</sup>

The relative positions of St. Peter's Church and the chapel which was dedicated in 1115 suggest that the latter may originally have been the lord's hall or manor-house, for we saw at the beginning of the first chapter that the Bishop's Palace or manor-house at North Elmham occupies nearly the same position with regard to the church there as the Chapel of All Saints does with regard to the Church of St. Peter at Barton. By the grant of 1115 Walter of Gaunt gave, as we have seen, the manor of Barton as well as the Church of St. Peter and the newly dedicated chapel to the monks of Bardney, and it will be noticed that they are given separately, as if the manor and church had been severed. To quote the words of the grant, he gives "in Barton my manor with three carucates of land, meadows, pastures, men, and all its other liberties. In Barton the Church of St. Peter, with all its lands and tithes, and with the Chapel of All Saints in the same town named in these days."<sup>2</sup> It is probable that the hall had been lately dedicated and called the Chapel of All Saints. The Church of St. Peter was built in a form which would have been inconvenient for public worship,

<sup>1</sup> R. Brown, *op. cit.*, i. p. 100; *Liber Antiquus Hugonis Wells*, p. 53; *Rotuli Roberti Grossteste*, p. 55.

<sup>2</sup> "In Barton manerium meum cum tribus carucatis terræ, pratis, pasturis, hominibus, et omnibus aliis libertatibus suis. In Barton ecclesiam sancti Petri cum universis terris suis et decimis et cum capella Omnium Sanctorum in eadem villa his diebus nuncupatam."—*Monasticon*, i. p. 629. Pliny uses *nuncupatio* for the dedication of a book.



and it seems to have been considered necessary to dedicate the great oblong building found in 1891-2 for that purpose. After it had been dedicated, both buildings were used for public worship, and St. Peter's was afterwards enlarged, but the Chapel of All Saints, having originally been, as is probable, the hall, remained free from parochial endowment. In Domesday we have the following account of the manor, which then belonged to Gilbert of Gaunt, father of Walter: "The land of Gilbert of Gaunt . . . Manor. In Barton Ulf had 13 carucates of geldable land. There is land for 27 ploughs. There Gilbert has 7 carucates in demesne, and 63 villans and 16 bordars with 9 ploughs, and 42 sokemen and 67 bordars with 10 ploughs. There is a church and a priest (*presbyter*), and 2 mills (worth) 40s., and 1 market, and a ferry worth £4."

The theory that the Chapel of All Saints was formerly the hall rests on negative evidence and analogy. No other theory, however, will bear examination. Mr. Brown thinks that Walter of Gaunt "established" this chapel "pursuant to vows," such being the meaning which he gives to the word *nuncupatam*. But we are nowhere told that Walter built a chapel of any kind, either in pursuance of vows or not. If he really did build a chapel in pursuance of vows he would have endowed it. If he had intended to provide more room for the faithful at Barton by means of a new building he could have enlarged St. Peter's Church. And if we assume that he built the chapel in pursuance of a vow, why did he make its walls 5 feet thick? The only possible alternative to the theory that All Saints Chapel was the original lord's hall is that it was a Roman building of some kind. But that has not been suggested, nor have we been told that any Roman work was discovered in 1891-2.

Between the tower and the nave of the Church of Terrington St. John, Norfolk, formerly a chapel of Terrington St. Clement's, is a building which rises above the nave (Fig. 25). It communicates with the tower, and consists of a lower and an upper room, the lower room being lighted

by two small windows. The interior of this building has been described as "far more domestic than ecclesiastical." This eastern adjunct of the tower is 15 feet in breadth, and, though of much later date, may be compared with the eastern adjunct once existing at Barton-on-Humber. The



FIG. 25.—Church of Terrington St. John, showing adjunct.

church at Terrington was built in 1423, under a licence from the Bishop of Ely, but possibly the tower and adjunct are earlier. It was made parochial in 1530.

On the west side of the tower of Laindon Church, Essex, is an adjunct, built of wood, containing a lower and an upper room. The tower itself is an elaborate and

massive wooden framework rising from the ground and fitting into the west end of a stone-built nave. It rises above the roof of the nave, and is surmounted by a wooden broach spire. The lower room of the adjunct, formerly used as a schoolroom, has a modern staircase which gives access to the room above. A central doorway in the tower opens directly into the lower room, as at Barton. There is no corresponding doorway to the upper room, but instead of it there is a wide opening in the wooden framework, through which is visible the whole interior of the church. The church is built on the top of a small hill. There are other churches in Essex where the framework of a wooden western tower starts from the floor inside the nave and is carried up above the roof to form a belfry and spire, but is kept free from the walls or roof of the church. In other cases the wooden tower and spire are built outside the western wall of a stone nave, and have adjuncts all round. The four wooden adjuncts of the wooden tower at the west end of the Church of West Hanningfield, near Chelmsford, rise to a height which would have been sufficient for upper stories, and the eastern adjunct communicates, on the ground-floor, with the nave by a doorway.<sup>1</sup>

There is an adjunct on the west side of the tower of Leckhampton Church, Gloucestershire. It has two windows in the west end, the upper one being doubtless intended to give light to an upper chamber.<sup>2</sup> There is an ancient lean-to structure against the south wall of the Norman tower of Nassington Church, near Peterborough, and a similar structure is built up against the north wall of the tower.<sup>3</sup>

Other church towers, built of stone, have indications that adjuncts resembling those at Terrington St. John and Laindon were built against them. "At Netheravon, in Wiltshire, there is a western tower, late Saxon in

<sup>1</sup> Ernest Godman's *Mediæval Architecture in Essex*, 1905, p. 19 f., where plans and illustrations are given.

<sup>2</sup> See the engraving in Parker's *Glossary of Architecture*, 5th ed., p. 438.

<sup>3</sup> *The Reliquary* (N.S.), xi. p. 112.

general style but with some Norman features, that has distinct indications of the existence on the western, northern, and southern faces of former adjuncts. . . . At Warblington, Hampshire, a square tower of rude workmanship, now embedded in a beautiful church of later date, has doorways of this kind on the north, south, and west faces at a height of about 15 feet from the ground."<sup>1</sup> There is a round-headed doorway, now built up, on the north side of the tower of Stoneleigh Church, Warwickshire. It seems to be about 12 feet above the ground. The building is of the twelfth century.

Such buildings must have been inhabited. A curious instance of the use of a church tower as a dwelling for a Scottish minister occurs as late as 1590. In that year the minister of Cadder, in Lanarkshire, was prohibited by the Synod of Glasgow from building "office houses" in the churchyard, but, seeing that no manse had been erected for him, he was allowed "to have his study house, or house of convention to him and his elders, within the steeple of the kirk, and so he may dwell at his kirk."<sup>2</sup> Here, it need hardly be said, the word "steeple" is used in its old sense of tower.

In France there still exist churches which differ little from castles, whether they were built for defence or fortified afterwards. In some of these the churchyard, surrounded by dykes and crenellated walls flanked with turrets, formed the outer enclosure. The church itself touched the enclosing wall as a keep-tower touches a curtain wall; the church had loopholes for archers, parapets, and machicolations; the tower, of which the ground-floor alone was easy of access, was a keep-tower: its upper stories could only be approached by a hole in the wall of the first story and by a movable ladder. In many church towers there were chimneys, sometimes a baker's oven and a well; the basement of some of the towers only communicated with the interior of the church. In rare cases the door was protected by a drawbridge. Other

<sup>1</sup> Baldwin Brown, *op. cit.*, ii. p. 174.

<sup>2</sup> *Origines Parochiales Scotiæ* (Bannatyne Club), i. p. 504.



towers had a wooden scaffold projecting from the circumference of their summits, and answering the purpose of machicolations from which missiles could be thrown. As such scaffolds easily took fire, they were sometimes covered with moist hides, and, at a later time, with slates. A very remarkable scaffolded Romanesque tower of this kind yet survives at the west end of the ancient church of Dugny (Meuse). It has no belfry windows. Other French churches have a complete second story which serves as a fortress, and these, if they are small, are entirely in the form of a keep-tower. The Romanesque church of Rudelle (Lot) has two upper stories extending over the whole of the ground-floor. The lower of these upper stories has loopholes for archers, the upper has *baies* in its walls. Under the roof is an embattled parapet from which missiles could be thrown on the heads of assailants.

Such churches as these were attacked and defended like castles. In 1127 the assassins of Charles the Good, Count of Flanders, sustained a siege in the Church of Saint-Donatien of Bruges; at the end of it they took refuge in the tower, and only surrendered when the enemy had begun to undermine it. In 1304 the men of Flanders blockaded the strong Church of La Bassée (Pas-de-Calais), which had been fortified against them, and provided with food and armed men. In 1386 the Church of Capelle-Brouck (Nord) was commanded by Captain Gardin. In 1428 the Church of Rouvray-Saint-Denis (Eure-et-Loir) surrendered to the Earl of Salisbury. In 1429 the Pope granted indulgences for the rebuilding of a fortified church which was necessary for the defence of the inhabitants of Saint-Étienne, near Boulogne-sur-Mer. To this church the parishioners and other neighbours had recourse for the preservation of their bodies and goods, and it had been formerly destroyed by the attacks of the English, by whom those parts were often harried. In 1543 the inhabitants of Audinghem, near Cape Gris-Nez, were besieged by the English in a fortified church which exists to this day, and in which cannon balls have been found in the wood-work.<sup>1</sup>

<sup>1</sup> Enlart, *Manuel D'Archéologie Française*, ii. pp. 474, 548-53; Figs. 221, 264-7.

English churches also were attacked and defended like castles. Prior Richard of Hexham, in his description of the great church of that place, says that there were towers with winding stairs (*cocleæ*) in the building, and that these contained rooms and hiding-places in which a garrison might be safe. Richard, says Canon Raine, "had probably seen the abbey towers crowded when the Scots were close at hand in 1138, and he would learn then how many they could shelter. There were passages from the towers leading in all directions, so that the defenders were able easily to surround the body of the church." "The towers of many of the parish churches," says Canon Raine, "in Northumberland and Cumberland were used for purposes of defence."<sup>1</sup> Merrington Church, in Northumberland, with its tall steeple, crowning an eminence, stood a siege.<sup>2</sup>

In the sixth century, Gregory of Tours describes stone churches which served as places of refuge and as store-houses for treasures of all kinds belonging to the inhabitants. It is related in a Life of St. Gwynllyw that when Earl Harold, afterwards the last of the native English kings, attacked Glamorgan, the inhabitants "brought their goods to the refuge of the saints." They fled, however, and the soldiers, having broken the lock of the church, found it full of garments, provisions, and many valuable things, and stole everything they saw. Cheeses were found there, and divided among the robbers. In an account of St. Edmund, king and martyr, it is said that a robber attacked certain villages in Norfolk. Coming to the village of Brockdish he found all the houses empty, for everybody had fled to the church.<sup>3</sup>

Debtors or malefactors sometimes took their cattle into the church or churchyard with the object of defeating the

<sup>1</sup> Raine's *Priory of Hexham*, i. 12, cxxviii. In 1511 the churchwardens of Yatton, Somersetshire, sold the church harness (armour) for twenty-two shillings. But armour was maintained by churchwardens long after this time; see also *Durham Parish Books* (Surtees Soc., No. 84).

<sup>2</sup> W. Johnson, *op. cit.*, p. 107.

<sup>3</sup> Gregory of Tours, vii. 36; *Lives of the Cambro-British Saints*, ed. Rees, pp. 153-4; *Nova Legenda Angliæ*, ii. p. 655.

ends of justice. But the practice was forbidden by the Constitutions of Clarendon in the twelfth century, which declared that churches and churchyards were not to detain cattle forfeited to the king whether they were found in the churches or without.<sup>1</sup>

Reginald of Durham, a monk who lived in the twelfth century, relates that when William the Lyon, King of Scotland, who came to the throne in A.D. 1165, laid waste the whole of the country round Carlisle, the people fled to the churches with their furniture, money, and goods. Having abandoned their houses to the enemy, they built in the churchyards about the churches huts or tents covered with poor roofs of hay or straw, in which they lived and sheltered themselves. The inhabitants of Plumbland, near Cockermouth, he says, flocked to their church and churchyard, like their neighbours, and lodged in the former the more valuable of their goods, such as their gold and silver and valuable garments, keeping them in chests or boxes. On another occasion he relates that when Roger Pavie, constable of Thirsk Castle, made an inroad into the county of Durham, the poor men who had sheep and cattle in the fields fled for safety to the churchyard of Sadberge, which was a protection and a store-place (*apotheca*) to those who resorted to it.<sup>2</sup> In some Bavarian villages the inhabitants, in time of war, brought the whole of their goods and their cattle into the fortified churchyard.

During the reign of James IV of Scotland (1488-1513) "a great feud between the powerful families of Drummond and Murray divided Perthshire. The former, being the most numerous and powerful, cooped up eight score of the Murrays in the kirk of Monzivairst, and set fire to it. The wives and children of the ill-fated men, who had also found shelter in the church, perished by the same conflagration."<sup>3</sup> In 1603 the Clanranald of Glengarry plundered

<sup>1</sup> *Nova Legenda Anglie*, ii. p. 402.

<sup>2</sup> *Reginaldi Libellus de Beati Cuthberti Virtutibus* (Surtees Soc., No. 1), pp. 194, 275.

<sup>3</sup> Introduction to Scott's *Legend of Montrose*, p. 1.

the lands of Gilchrist and the adjacent lands belonging to the Mackenzies, and the inhabitants, who were assembled in the church, were there burned to death by the invaders, whose piper meanwhile marched round the building playing a pibroch." <sup>1</sup> That the church was a place of refuge was not forgotten even in the eighteenth century. In 1756 there was a riot in Sheffield about the price of bread. An armed mob rose to the number of some hundreds, and were fired at by the constables and others, who wounded about thirty persons. Thereupon the mob were forced to retreat into the church for safety, or every man of them, says a contemporary letter-writer, would almost certainly have been killed. <sup>2</sup>

The battlements so often found on old churches in Great Britain were not originally mere ornaments; they were meant for fortification.

Thus it appears that British churches were used as places of defence from an early time, and continued to be used as places of refuge to a late period. In one part of Germany there are a considerable number of fortified village churches. They are found in the valley of the Werra in Saxe Meiningen, and have been described by Herr Fritze. <sup>3</sup> In some places, as at Walldorf, the fortification is nearly complete; in others only fragments are to be discovered by careful investigation. Here and there the fortifications have been made serviceable for the needs of modern life. Standing on a rocky hill the Church of Walldorf is fortified by a strong wall erected on the edges of a plateau which encloses a space of about 150 metres long and 65 broad (see plan, Fig. 26). The wall is flanked by a round tower at each corner, and it has also a tower in the middle of its north-east front. The door of entrance is approached by steps at the south-west front. Precautions for defence are to be seen all over the enclosed space. Round the walls, as well as in the towers, there have been little rooms

<sup>1</sup> *Origines Parochiales Scotiæ*, ii. p. 24.

<sup>2</sup> *Letters of the Sitwells and Sachverells*, ed. by Sir George R. Sitwell, 1901, ii. p. 232.

<sup>3</sup> E. Fritze, *op. cit.*, pp. 3-59.



called *gaden*, and it is known that these were used by the inhabitants, when they exercised their right, in case of panic, to flee thither with their goods. Fifty years ago every person who had the right to use these rooms paid yearly a pound of tallow or grease, or 18 kreuzer, into the church chest of Walldorf.

According to historical evidence this church was built in 1587, probably burnt in 1634, and then rebuilt. But the three lower stories of the tower are far older than 1587. The form and position of the tower, says Herr Fritze, show that it was a *berchfrit*, or watch-tower. In

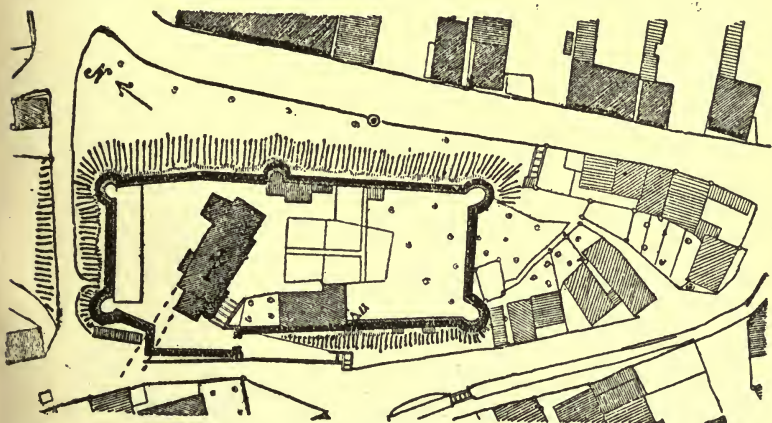


FIG. 26.—Plan of Church and Churchyard, Walldorf.

the castle of the Middle Ages the possession of such a tower was the one thing needful. It served the threefold purpose of a watch-tower, a place of defence, and a place of retreat, and the tower of Walldorf had these qualifications in the fullest measure. Its high open position made it an excellent place for observation; it was built in that part of the churchyard which was most exposed to attack; and the strength of its walls made it a sure place of refuge, if only for a small number of defenders. The tower was erected for these objects alone, and not for ecclesiastical purposes. In the eleventh century Walldorf had become an episcopal possession, and "it was inevitable," says

Fritze, "that an episcopal fortification should have a chapel, and later, as the boundaries of the village increased, a church. When the latter was built the place ceased to be important as a fortification, the fortified walls decayed, and the *curtis*, or courtyard, became the churchyard. But in times of panic the inhabitants still sought protection and refuge there, and hence the church remained subject to tribute." (It will be seen in the next chapter that in England, too, the courtyard became the churchyard.)

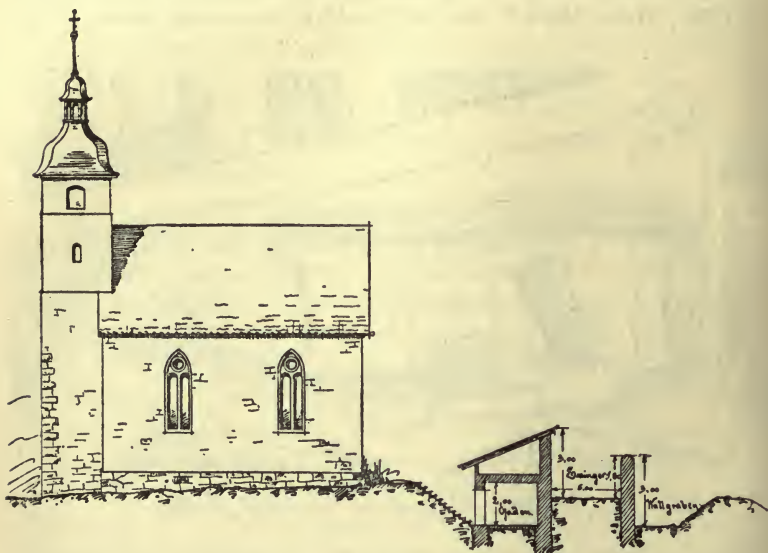


FIG. 27.—Section of *gaden* at Herpf.

The *gaden* which surround many of the churches in the valley of the Werra, and also in Siebenbürgen, are objects of great interest, and they may be analogous to the huts or tents which, as we have just seen, were built in a time of panic round churches in the neighbourhood of Carlisle in the twelfth century. A section cut through the ditches surrounding the churchyard of Herpf, in the Werra valley, will show what the *gaden* are (Fig. 27). Here ten *gaden* on the inner wall open into the churchyard, six on the west side and four on the east. They are all accessible from

the churchyard, and doors into some of them open upon the *zwinger*, or space between the inner and outer wall. The lower vaulted rooms of the *gaden* have on the average a length and breadth of four metres; the semicircular vaulting is two metres high, and is at right angles to the wall of the *zwinger*. The outer wall of the *zwinger* has round towers at the corners. The diameter of these is less than that of the round towers at Walldorf, being only 1.80 metres. The nave of the church seems to belong to the year 1497, that date being chiselled on one of its walls. But the church tower is far older, and, like that at Walldorf, was a *berchfrit*, or watch-tower. The significance of such a tower appears in a document of the year 1392 by which Henry the Prefect (Heinrich Vogt) sold to Count Henry of Henneberg an estate at Themar and a *berchfrit* in the churchyard of that place. The towers of nearly all the churches in the valley of the Werra are much older than the other parts of the building.

There were numerous mediæval German castles in which the *berchfrit* was the only dwelling required. "Generally," says Fritze, "a castle need only have consisted of a ring wall and a single inhabitable and defensible dwelling. Such a building was the *berchfrit*." It has, however, been said that the German castle consisted at least of (1) a ring wall, (2) a hall, (3) a chamber for the family and especially the women, (4) a kitchen, and (5) a *berchfrit*.

The fortifications which surround the churches in the valley of the Werra are not, says Fritze, mere additions, but the continuations of other forerunners. In a few cases the churches are surrounded by moats. The ditch of the ramparts surrounding the churches of Quienfeld and Milz is filled with water to this day. In the former the ditch is filled by a stream which flows into it continually, in the latter by rain-water drained into it from the adjoining lands. With the exception of Meiningen, Herpf, Bettenhausen, and Stepfershausen, which are still partly surrounded by walls, the fortifications of the other places are found only at the church.

The *gaden* mentioned above are of somewhat frequent occurrence, and are found in the churchyard, hard by its wall, and on both sides of the walls of the *zwinger*. Often a shed made of wooden framework lies over a cellar which is accessible either directly from the churchyard, or from the *zwinger*. The timber framework sometimes, as at Gomperteshausen, leans against the churchyard wall, which is provided with holes for light or loopholes for arrows and guns. The *gaden* are generally of one story, but sometimes they have two, chiefly about 4 metres square. The timber shed, or upper story, in many places called "kemmete" (*kemenate*), does not always belong to the same person as the underlying cellar, and the entrance is in a different place. In times of fear the inhabitants hid their valuable goods in the cellars, whilst they themselves found a refuge in the overlying sheds; their cattle were brought into the churchyard. The memory or tradition of such a use of the *gaden* and churchyard still lives in many places. As these structures ceased to be used as places of refuge, as the pretensions of the clergy increased, and as the churchyard became the graveyard of the inhabitants, the *gaden* nevertheless retained their use as store-rooms; for the cellars, on account of their strong vaulting, were, and still are, greatly valued, the sum of £25 having been lately paid for one of them. The number of *gaden* in a churchyard is often surprising; for instance, there are fifty-two in Vachdorf, and about seventy in Ostheim.

We may compare the so-called church-castles of Siebenbürgen. At Tartlau, little rooms, in three stories, are built within the ring wall surrounding the churchyard. Below there are vaulted cellars which now are, and at an earlier time have been, used as store-rooms for corn, meat, and fruit, inasmuch as they afford, and have afforded, protection against fire and enemies. The well there, and also the hand-mill or horse-mill, and the baking-ovens, have been placed in such a position that the inhabitants could withstand a long siege.<sup>1</sup>

<sup>1</sup> Fritze, *op. cit.*, p. 53, referring to E. Sigerus, *Siebenbürgisch-Sächsische Burgen und Kirchencastelle*.



There were houses in English churchyards. The Register of Worcester Priory, dated A.D. 1250, gives a list of persons who occupied houses, workshops, and other buildings in the churchyard of Grafton, in Worcestershire. Among them were the workshops of William and Henry Goldsmith, and the smithy (*fabrica fabri*). A mason had two houses in the churchyard, and there were two houses adjoining the sacristan's stable. For all these buildings, except those of the mason and the two houses adjoining the stable, a yearly rent was paid, apparently to the sacristan.<sup>1</sup>

At Borchon, in Westphalia, the husbandmen of the village community had in 1370 the right to erect barns or sheds of a prescribed measurement in the churchyard, and to hold them on lease; in another part of Germany barns, huts, and stalls were built in enclosed or fortified churchyards.<sup>2</sup> The church of Baddiley, in Cheshire, stands on a small green within the same enclosure with the barns and other farm buildings. It consists of a small nave and chancel, originally composed of timber, but the nave has been recently underbuilt with brick.<sup>3</sup>

The rural fortified churches of France are often in communication with underground rooms and passages. Under the ground of many villages are labyrinths of passages and chambers which have served at first as quarries, and afterwards as places of refuge in times of invasion. The entrance to these places was carefully disguised; the inhabitants hid themselves there with their most valuable goods, and even with their cattle, when the approach of the enemy was announced.<sup>4</sup> Many English villages have traditions of underground passages extending to or from the church, and such a passage actually exists at Hemel Hempstead. An underground passage leading from the church of Gamston, near East Retford, in

<sup>1</sup> *Register of Worcester Priory*, p. 109 b.

<sup>2</sup> Heyne, *op. cit.*, p. 177; J. Grimm, *Weisthümer*, iii. pp. 98 f.; Wolf, *Politische Geschichte des Eichsfeldes*, 1802, pp. 100 f., where numerous examples of the fourteenth and fifteenth centuries are given.

<sup>3</sup> Ormerod's *Cheshire*, ed. 1882, iii. p. 457.

<sup>4</sup> Enlart, *op. cit.*, ii. p. 553. The author gives a long list of examples.

Nottinghamshire, is said to exist to this day. The Icelandic sagas frequently mention the "earth-house," or underground opening into a dwelling-house, which was used for hiding, or as a means of escape. In the saga of Howard the Halt we are told of such an underground passage under a sleeping-chamber, the mouth of which came out at the back of the houses. Mr. W. Johnson says that in the neighbourhood of Amiens excavations connected with the parish churches have been recorded in more than thirty places. They are known as *Les souterrains des guerres*, a name indicating that they were refuges in war time.<sup>1</sup> In Sheffield about twenty years ago a long souterrain, high enough for a man to stand in, and about 5 feet wide, was found near an ancient narrow lane called the Hartshead. It pointed towards the east end of the church, from which the part opened was about 200 yards distant. It was not a drain.

According to some ancient Irish writers, Christian churches were built adjoining chieftains' dwellings. In the *Book of Armagh*, copied in A.D. 807, an incident in the life of St. Patrick is thus described: "Then he (Patrick) came to Conall son of Niall, to his house which he built in the place in which the great church of Patrick stands to-day, and he received him with joy and baptized him. . . . And Patrick measured out a church to God with 60 of his feet, and said, 'If this church be diminished, thy kingdom shall not be long and sure.'"<sup>2</sup>

This incident is also described in the *Tripartite Life of St. Patrick*, which, according to Dr. Stokes, could not have been written before the middle of the tenth century, and was probably compiled in the eleventh. Dr. Stokes gives the following translation from the Old Irish: "Thereafter Patrick went to Conall son of Niall. There was

<sup>1</sup> *Folk-Memory*, 1908, p. 248.

<sup>2</sup> "Deinde haute[m] uenit ad Conallum filium Neill, ad domum illius quam fundauit in loco in quo est hodie æclessia Patricii magna, et suscepit eum cum gaudio magno et babtizauit illum . . . Pensabatque æclessiam Deo Patricius pedibus eius lx. pedum, et dixit Patricius: 'Si diminuatur æclessia ista, non erit longum regnum tibi et firmum'"—Whitley Stokes, *Tripartite Life of St. Patrick*, i. pp. xc., xciv.; ii. p. 307.

his station, in the place where stands Domnach Pátraic to-day. And Conall received him with great joy, and Patrick baptized him and confirmed his throne *in æternum*. . . . Then did Conall measure out a church for God and for Patrick with sixty feet of his feet."<sup>1</sup> The church here mentioned is that of Donaghpatrick, near Teltown, in Meath.

The same incident is again thus described in the *Lebar Brecc*, a manuscript of the fifteenth century preserved in the library of the Royal Irish Academy, and derived from old materials: "But Conall (*i.e.* Cremthann) son of Niall, believed, and was baptized, and gave the stead where he was biding to Patrick, and a church was built there which is named Domnach Pátraic. And Patrick gave him a blessing, and marked out a rampart in front of the door of the church."<sup>2</sup> There is a mound at Donaghpatrick surrounded by quadruple intrenchments.

In 1647 John Colgan, a learned Franciscan friar, published a version of the *Tripartite Life* which Dr. Stokes describes as "a paraphrase for edification, rather than a translation for scholars."<sup>3</sup> It tells us that Conall's hall was in the very place in which Patrick's *domnach*, or church, was built, and that Conall removed his hall to another place.<sup>4</sup> (There is nothing, however, in the existing texts about such a removal.) Elsewhere in the *Tripartite Life* we are told that a grandson of Erc the Red "offered his dwelling" to Patrick, who put clerks therein.<sup>5</sup>

The same process of Christianising the hall seems to have occurred in Denmark. Adam of Bremen says that in his time (about 1056) there were already 100 wood churches in the island of Fühnen, 150 in Zealand, and 300 in Schonen. It is therefore very probable, says Professor Meitzen, on account of the short space of time which had elapsed since the introduction of Christianity into Denmark, that old halls had been converted into churches.<sup>6</sup>

<sup>1</sup> *Op. cit.*, i. 71.

<sup>2</sup> *Op. cit.*, ii. 465.

<sup>3</sup> *Op. cit.*, i. p. lx.

<sup>4</sup> *Trias Thaum.* in Petrie, *op. cit.*, p. 161.

<sup>5</sup> *Tripartite Life*, i. p. 95.

<sup>6</sup> *Wanderung, Anbau, &c.*, 1895, p. 496.



It thus appears that the making of a chief's hall into a church was often little more than a change of name on the conversion of the chief and the tribe to Christianity. "When a *Rig Tuatha*," says Sullivan, "became a convert to Christianity, and placed himself, his family, *Sabaid*, or council, and *Ceiles* under the protection of the missionary, or, as it was expressed, under his bell, the *Tuath* became, in a certain sense, a religious community, though still retaining the character and organisation of the original political body. Even when the *Rig* and *Flaths* of a *Tuath* devoted themselves wholly to a religious life, no change occurred in the constitution of the state, or in the law of succession."<sup>1</sup> The *Rig Tuatha* was the king of a district or tribe; the *Ceiles* were the tenants, or vassals; and the *Flaths* were the noblemen or estated gentlemen.

In the tenth century the castle of Deux in Germany is said to have been adapted to Christian worship, for in the emperor Otho's time St. Mary appears by night to Archbishop Heribert and says, "Arise, and seek the castle (*castrum*) of Deux, and order a place therein to be purified, and there erect a monastery to God, to me, and all saints, that where sin and worship of devils formerly dwelt, there justice and the memory of the saints may reign."<sup>2</sup>

Can we wonder that where the village church is perched on a steep and lonely rock popular fancy should invent explanations? The church of Brent Tor, or Burnt Tor, in Devonshire, is perched high on the summit of an extinct volcano, and "is in the bounds of an ancient British stone-walled enclosure. The hill is sometimes so swept by the wind that it is impossible to face it and breathe. . . . To put a church in such a position to-day would ensure its emptiness." The altitude is 1100 feet, and the hill has been described as resembling in shape a flame starting upwards from the earth. The church is a curious little weather-worn structure, consisting of "a nave 37 feet 6 inches long and 14 feet 9 inches wide, with a sturdy tower

<sup>1</sup> Sullivan's Introduction to O'Curry, *op. cit.*, p. cccviii.

<sup>2</sup> Grimm's *Teut. Myth.*, i. p. 85.



8 feet square, and just over 40 feet high. It is covered with a roof of heavy oak and stout sheet-lead, and from floor to ridge is but 10 feet." The building stands on the verge of a precipice, and in a diminutive churchyard, containing a few gravestones. Before the year 1186 Bartholomew Iscanus, Bishop of Exeter, granted it to the monastery of Tavistock.<sup>1</sup> Here there is a story which says that the building was originally at the foot of the hill, and attributes its removal to that busybody the Devil, who carried the church to the hill top, which lay in his own dominions. Tales about the removal of churches by the Spirit of Evil to lofty or inconvenient places are common everywhere. There is a curious story that on a hill called Ard Fothaid, St. Patrick began to lay the foundations of a church. But on the following day the new fabric began to collapse. Then the man of God saw that the place was not destined for the erection of a sacred building, *but of a royal hall*.<sup>2</sup> Ard Fothaid, meaning High Fothaid, is a small town near Ballyshannon. The story is not in the text edited by Dr. Stokes, and was probably obtained by Colgan in 1647 from a source now unknown. We may infer from all this that many royal halls stood on lofty eminences, and, as the people became Christianised, were turned into churches.

It is often assumed that during the first three or four centuries of the Christian era the church fabric acquired a definite or stereotyped pattern which served as a model for future times and in all places. The pagan basilica has long been regarded as its prototype; a modern scholar, however, believes that he has found it in the *schola*, or lodge-room, of Roman cities.<sup>3</sup> Lange supports the old theory of the acquisition by Christians of pagan basilicas in the age of Constantine, but at the same time he is

<sup>1</sup> *Journal of Royal Inst. of British Architects*, xiv. (3rd Series), p. 622; *Reliquary*, (N.S.), vi. p. 7; *Monasticon*, ii. p. 490.

<sup>2</sup> "In colle vicino *Ard-fothadh* appellato, coepit etiam iacere fundamenta Ecclesiae. Sed die sequenti, inchoata fabrica coepit corruere . . . Tunc vir Dei . . . vidit . . . locum non esse . . . destinatum ad aedem sacram, sed ad aulam regiam in eo extrudendam."—*Tripartite Life*, i. p. 151.

<sup>3</sup> Prof. Baldwin Brown, *From Schola to Cathedral*, 1886.

emphatic in deriving the basilica itself from the ancient chief's house, so that indirectly the church-building in Italy derives its origin from such a house. It is impossible, he says, on examining the threefold arrangement of the basilica, to mistake its analogy to the Homeric house.<sup>1</sup> In one respect the various theories about the origin of the church-building agree. They all assume that it was not an independent conception, and that it came from something else.

That some of the larger churches of the British Islands were imitations of Roman basilicas, and derived architectural features, such as crypts, from Roman models, will hardly be denied. But it is impossible to derive the architectural characteristics of such a church as that of St. Peter's at Barton-on-Humber from this source. We have seen that in the British Islands there were buildings, described as churches, which contained dwelling-rooms, and in which the harvest was stored. In most of these there was no borrowing from Rome.

"The aisled basilica of the Continent," says Mr. A. Hamilton Thompson, "found no scope for itself in Saxon England; and it was through an interval of aisleless building that the aisled building eventually became acclimatised, and then in a form which bears only a superficial kinship to the basilican plan."<sup>2</sup> This is true in the main, but we must not exclude the basilican church altogether. It is found, for example, at Brixworth, Deerhurst, and other places. The well-known church of Lyminge, in Kent, rich in Roman materials, is described in a charter of A.D. 697 as the basilica of the Blessed Mary.<sup>3</sup>

In 1896 Mr. Micklethwaite distinguished the English basilican churches in which Italian influence is visible from the small churches which are found in scores all over the country, and were built all through the pre-Conquest time, and later. He calls these small buildings "Scottish" churches, and says that they belong to a tradition derived

<sup>1</sup> *Haus und Halle*, pp. 29-49, 162.

<sup>2</sup> *The Ground Plan of the English Parish Church*, 1911, p. 43.

<sup>3</sup> Hussey, *op. cit.*, p. 92.

from Ireland, and were called in the seventh century by that name.<sup>1</sup> He was doubtless thinking about what Bede said of Finan, who had been a monk at Iona, and who, on becoming Bishop of Lindisfarne, "built a church fit for his episcopal see, not of stone, but altogether of cut oak roofed with reeds, after the Scottish [that is, the Irish] manner. . . . But Eadberct, bishop of that place, took away the reeds, and covered the whole church with sheets of lead, that is, the roof and the very walls also."<sup>2</sup>

In the course of time most of the "Scottish" churches were enlarged by the addition of aisles, so that they came to resemble basilican churches. During modern alterations of churches which have aisles it often happens that the foundations of the original and aisleless "Scottish" building are discovered. The walls of the original building usually follow the lines of the pillars of the nave. In adding aisles to a "Scottish" church arches were driven through the side walls of the nave, so that their piers, as in the parish church at Deerhurst, were oblong masses of stone.

<sup>1</sup> *Archæological Journal*, liii. pp. 309, 319-21.

<sup>2</sup> *Hist. Eccl.*, iii. c. 25. The church of Miklibær in Ireland (30×16 ft.) looks like a great mound of earth, with a crop of grass all over it, except at the ends. At one end is the door, and at the other the window.—Coles, *Summer Travelling in Iceland*, 1882, pp. 127-8.

## CHAPTER V

### ANCIENT SITES OF HALLS AND CHURCHES

EARLY churches are often surrounded by entrenchments and moats, and are also in close proximity to large mounds, some of which are known to have been burial-

mounds. There is considerable variety in these earthworks and remains, but one feature is common to many of them, and that is the conical mound which, as a rule, stands west, or north-west, of the church. Later churches were often built just outside the entrenchments of the *burh*, as the church, thus fortified, was sometimes called.

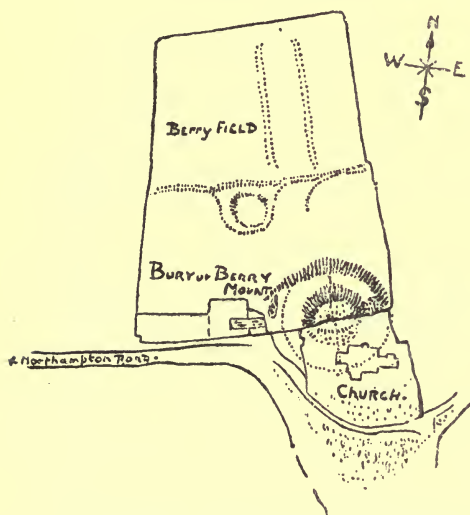


FIG. 28.—Plan of Earthworks and Church, Earls Barton.

The well-known pre-Conquest tower of the church of Earls Barton, in Northamptonshire, “stands upon a site which was once occupied by a portion of the ditch and counter-scarp of the partially destroyed moated mound which rises immediately from its north-western side.” The northern half of the mound is intact, and is surrounded by a deep and broad ditch. As is shown in the plan (Fig. 28), the southern portion is almost destroyed, but there is definite evidence of its existence in the present churchyard.



The mound is known as Berry Mount, and a field which adjoins the churchyard appears to contain earthworks, and is called Berry Field.<sup>1</sup>

There is also a great mound on the north side of Towcester Church called Berry Mount Hill, otherwise Bury Hill, and Roman coins and pottery have been found abundantly on and about it. Another Berry Mount Hill stands in a close north of the churchyard of Culworth, in Northamptonshire.<sup>2</sup> Now this word Berry, or Bury, was, according to the *Oxford English Dictionary*, originally a dative of *burh*, "an enclosed or fortified place," and is a "specialisation" of that word.<sup>3</sup> Blount, in his *Glossographia*, 1674, writes: "*Berry* or *Bury*: a dwelling-place or Court: the chief House of a Mannor, or the Lord's seat is so called in some parts of England to this day, especially in Herefordshire, where there are the Berries of Luston, Stockton, &c." Near the church which stands in the centre of the Roman town of Aldborough (Isurium) was an artificial mound called Borough Hill; it was removed many years ago. Near the church of Hexton, in Herefordshire, is a site called Bury Stede. In the garden of an old house at Hemel Hempstead, in Herefordshire, "called the Bury, is a subterranean passage, which is said to have led to the church." "No county," says Fuller, "can show so fair a bunch of *berries*, for so they term the fair habitations of gentlemen of remark." Near the churchyard of Thurleigh, Bedfordshire, there is a circular mound with a fosse round it, called Bury Hill, and there is a similar mound near the church at Colmworth.

The tower at Earls Barton stands in a conspicuous position. "The view from the summit, and from the churchyard below, across the Nene Valley, is wide and striking: Castle Ashby is in full sight, as are the churches of Grendon, Easton Maudit, Bozeat, and Whiston; whilst from the tower may be seen Brafield, Cogenhoe, Wollaston, and

<sup>1</sup> T. Davies Pryce in *Journal of British Archaeological Association*, 1906, p. 250.

<sup>2</sup> Murray's *Handbook for Northamptonshire*, 1901, pp. 140, 168.

<sup>3</sup> The *O.E.D.* quotes, s.v. borough, a Homily of the year 1175 in which *berie* is equivalent to *curt*, court.

St. Matthew's, at Northampton."<sup>1</sup> "The tower at Earls Barton," says Fergusson, "contains in itself more undoubted Saxon characteristics than any other specimen yet described."

Many British churches are surrounded by earthworks, trenches, or moats, as if they were manor-houses, or forts.

It is said in a document ascribed to the sixth century that Cadoc built a church in Wales for Mach Moilus, his disciple, and fenced it with a rampart.<sup>2</sup> Hence the church and rampart were erected at the same time—a very important fact.

Prior Richard of Hexham, who lived in the middle of the twelfth century, says that Wilfred fortified the *atrium* or churchyard of that church with a wall of great strength and thickness. In Irish Lives of Saints *atrium* translates *rath*, a fort.<sup>3</sup>

The church of Coldred, in Kent, stands within an ancient entrenchment, or fortress, on the summit of a hill. There are traces of a moat round the church of Etchingham, Sussex, a building said to have been erected by William of Etchingham in 1488.<sup>4</sup> Milden Church, in Suffolk, is surrounded by a moat, and from it as many as fourteen other churches may be seen.

The church of Dundesert, in Antrim, 60 feet long and 25 feet wide, stood within the space enclosed by a double rampart and ditch, both being of a nearly circular form. The ramparts were faced in front with stones, and there were two complete entrances, one in the north-west, and the other in the south-east. In clearing out the trench the following things were found: an iron bow, an arrow-head of steel, a golden brooch, 6 inches long, with a swivel on the top, and three stone basins. In the interior of the entrenchment was a burial-place wherein were several human skeletons, enclosed in oak coffins.<sup>5</sup>

<sup>1</sup> Murray's *Handbook for Northamptonshire*, 1901, p. 19.

<sup>2</sup> "Cadoc construxit ecclesiam Mach moilo discipulo eius eamque munimine uallauit."—Rees, *Lives of the Cambro-British Saints*, p. 88.

<sup>3</sup> Raine's *Priory of Hexham*, i. p. 13; *Vitæ Sanctorum Hiberniæ*, ii. pp. 37, 48.

<sup>4</sup> Hussey's *Churches of Kent, &c.*, pp. 52, 224.

<sup>5</sup> Reeves, *Antiquities of Down, Connor, and Dromore*, p. 181.

A church which was originally built in the thirteenth century stands within a ring-work crowning a hill at West Wycombe, in Buckinghamshire. It is remarkable for its defences. These consist of one fine fosse with a relatively slight vallum on the inner side, and on the outer side a much finer vallum. But the work is now only a fragment, having been greatly damaged at the rebuilding of the church in 1763. The entire area is occupied by the church and churchyard.<sup>1</sup> The church of Michaelsberg, near Munnerstadt, in Bavaria, is surrounded by a prehistoric ring-work.

The church of Eglwys Cummin (or Cymmyn), in Carmarthenshire, stands in the midst of a large earthwork, in a high and exposed situation. It has a stone-vaulted barrel-roof of acute pitch, and possesses a stone, inscribed in Latin and in the Ogham alphabet, found many years ago in the churchyard. The Latin inscription reads: *Avitoria filia Cvnigni*, and the Ogham: *Avittoriges inigina Cvnigni*.<sup>2</sup>

The church of Pixley, in Herefordshire, is at present almost, and may in old times have been quite, surrounded by a moat which still contains water. The building is very small and low. At Aylton, in the same county, are the remains of a moat surrounding the church, and resembling that at Pixley. The church is even smaller than that at Pixley, and was originally a chapel of Ledbury.<sup>3</sup>

In 1233 the cemetery of a chapel in the parish of White-stone, Devonshire, was enclosed by a rampart on which ash-trees grew. The plaintiff in an action, however, said that this enclosure belonged to him as his *dominium*, and was not ecclesiastical but secular property. The jury found that a chapel stood there, and that the rampart and the trees belonged to it.<sup>4</sup>

The remains of a very ancient church at South Elmham, in Suffolk, are encompassed by a moat, evidently

<sup>1</sup> Allcroft, *Earthwork of England*, 1908, p. 134.

<sup>2</sup> *Archæologia Cambrensis*, 5th Series, xvii. p. 321; J. Romilly Allen's *Monumental History of the British Church*, p. 76.

<sup>3</sup> Duncomb's *Hereford* (Continuation), pp. 18, 127.

<sup>4</sup> Bracton's *Note-Book*, ed. Maitland, ii. pp. 576-7.

once broad and deep, though it could never have retained water, as it is dug upon a considerable slope. The area occupies about three acres. The building is known as "the minster," and has a nave about 72 feet in length by 27 feet in width, to which is attached a chancel 24 feet in length, terminating in a semi-circular apse. The width of the chancel is about 2 feet less than that of the nave. The windows were small, few in number, and placed very high in the walls. The most remarkable feature in the ruined building, "and one which unquestionably refers it to a period of very remote antiquity, is a partition-wall, crossing the nave from north to south, at a distance of 27 feet from the western wall." The only entrance to the church was at its western front.<sup>1</sup>

The Early English church of Whitnash, near Leamington, is said to stand "on the site of a Celtic entrenchment."<sup>2</sup> The church at Alford, in Lincolnshire, stands on a hill which is apparently artificial. The eastern part of the church of Thrybergh, near Rotherham, stood on an artificial mound which may still be seen.

The ruins of the church of St. Blane at Kingarth, in Bute, stand on an artificial mound, whose level top is enclosed by a wall composed of large stones loosely piled together, and 500 feet in circumference.<sup>3</sup>

Churches were often built within the ramparts of Roman *castra*. "The church and churchyard of Whalley are included within a quadrangular fortification, which has every peculiarity incident to a Roman encampment. The southern boundary of the churchyard is a deep and distinct fosse and agger, to which another corresponds on the north side of the houses, forming the Church-lane. The western side, though now interrupted and irregular, is sufficiently visible beyond the gardens formerly belonging to the hermitage, and has united with the northern side, very near the Abbey Pools. On the east, all vestiges

<sup>1</sup> Suckling's *Suffolk*, 1846, i. p. 208; Micklethwaite in *Archæological Journal*, liii. p. 318, where a plan is given.

<sup>2</sup> Murray's *Handbook for Warwickshire*, p. 62.

<sup>3</sup> *Origines Parochiales Scotiæ*, ii. p. 211.



of it are destroyed by the street. It was an oblong, placed on a perfect level, immediately contiguous to a brook, and near its union with a principal river ; all which are decisive evidences of Roman castramentation. The remaining strength of the ramparts probably decided the choice of the first Saxon settlers in the site of their church, hall, and village. Nothing was more frequent than this circumstance. Our old Saxon churches, either from this cause, or that some remains of population had continued to linger about the Roman settlements, are perpetually placed within the precincts of the latter : a position which may be exemplified by the situation of the Saxon churches (and in most instances by the halls of the lords) at Manchester, Lancaster, Ilkley, Tadcaster, Castleford, and many other places. The whole area of this fort, at Whalley, must have been about four statute acres, or scarcely half the extent of a principal station." <sup>1</sup>

Ecclesiastical writers have told us that churches were built on earthworks. There is a curious story in the *Tripartite Life of St. Patrick*, and also in the *Book of Armagh*, about two king's daughters called Ethne the Fair and Fedelm the Ruddy, who came, after the manner of women, to wash at a well in the morning, and whom Patrick met and baptized. They received, we are told, the Eucharist of God, and slept in death. They laid them on a bed covered with one vestment, and their friends lamented them deeply. And when the days of mourning were passed, "they buried them near the well of Clebach, and they made a round fosse like a mound, because Scotchmen and heathen men used so to do. But with us it is called *relic*, that is burial-ground, and *feurt*. And the mound, with the bones of these holy women, was dedicated to God and Patrick and his heirs for ever, and he made a clay church in that place." <sup>2</sup>

<sup>1</sup> Whitaker's *History of Whalley*, 3rd ed., 1818, p. 252.

<sup>2</sup> "Sepelierunt eas iuxta fontem *Clebach*, et fecerunt fossam rotundam (in) similitudinem *fertæ*, quia sic faciebant (Scotici) homines et gentiles. Nobiscum hautem *relic(c)* uocatu(r), id est reliquiae, et *feurt*. Et immolata est (*fertæ*) Deo et Patricio cum sanctorum ossibus et hæredibus eius post (se in) sæcula, et æclessiam terrenam fecit in eo loco."—*Tripartite Life of St. Patrick*, ed. Stokes, ii. p. 317. Dr. Stokes (i. p. clvi.) thought that the material was clay.

St. Patrick is said to have founded a church *near* a fosse,<sup>1</sup> and this must have been a circular rampart, like the one just mentioned. And when the biographer of that saint tells us of a church founded in earthen ramparts,<sup>2</sup> it is clear that he means a circular fosse, otherwise a Rath, which was a residence surrounded by such ramparts. The old Irish Laws say that "the proper establishment for a king who is constantly resident at the head of his people (or territory) was as follows. Seven score feet of properly measured feet is the measure of his *dún* (or circular fort) each way; seven feet is the thickness of its mound at top; twelve feet at its base. He is a king only when his *dún* is surrounded with *drechta giallma*, that is, with a trench made by his own tenants."<sup>3</sup> The trench here mentioned obviously corresponds to the rampart or moat with which, as we shall see, the lord's tenants surrounded the English and the Welsh manor-house.

The churchyard of Catterick, in Yorkshire, says Longstaffe, "presents the features of an ancient camp. This was probably the earliest work here; the large tumulus called Palet Hill (*quasi* Mons Palatinus) being a later addition."<sup>4</sup> Palet Hill adjoins the churchyard on the north side. It is probable that "Palet" stands for *palat-ium*, palace, and Domesday Book informs us that Earl Edwin had a manor at Catterick in the time of the Confessor, and also that there was a church and priest there. A little further on we shall see that there is another mound near a Yorkshire church called Hall Tower Hill. Stow in his *Survey* in 1598 speaks of the Tower of London as a "strong Palatine Tower," *i.e.* palace tower.

"A great number of the churches in South Wales," said Romilly Allen, "are situated in close proximity to Pagan Rathes. This is especially the case in Pembroke-shire, as may be seen by consulting the Ordnance map."<sup>5</sup>

<sup>1</sup> "Et fundauit æclesiam iuxta fossam *Righairt*."—*Tripartite Life of St. Patrick*, ed. Stokes, ii. 327.

<sup>2</sup> "De æclesiis quas fundauit (inter alia) in cacuminibus *Aisse*."—*Op. cit.*, ii. 306.

<sup>3</sup> O'Curry, *op. cit.*, iii. 28.

<sup>4</sup> *Richmondshire*, 1852, p. 43.

<sup>5</sup> *Monumental History of the British Church*, p. 49.

West of the churchyard of Sulgrave, in Northamptonshire, "is a raised mound, with part of the fosse which surrounded it," and west of the churchyard of Little Houghton are the moat and foundations of a manor-house which long remained in the family of Zouche. The Castle Close near the church of Wadenhoe, four miles south-west of Oundle, "shows remains of foundations, and a mound which may be that of an English 'strength' before the Conquest."<sup>1</sup>

Toddington, near Dunstable, stands high, and on the south side of its interesting church is "a circular mound called Congar Hill, with a ditch, and traces of a squared enclosure extending west. The mound resembles others in the country."<sup>2</sup> Two artificial mounds at places near Halifax are known as Conygarth, and Watson, in his history of that town, says that the first element of the word means king; we may compare Coney Street in York, formerly Conyng Street. A piece of land at Wrangle, in Lincolnshire, is called King's Hill. It is moated round, and has evidently been the site of a house of some importance; extensive foundations may be traced. There is an eminence called Coning Garth, or King's Garth, at Scriven, near Knaresborough. It is nearly encompassed on three sides by natural defences; the remaining part is defended by artificial banks or terraces. Aubrey says that a toft at Brokenborough, in Wiltshire, "where was the seate of King Athelstan, is called Godshill," and a MS. survey in the possession of the Duke of Norfolk, dated 1451, mentions a toft at Handsworth, near Sheffield, called "Godshead." The first part of these two words may be the Old Norse *gode*, sacerdotal chief. A hill near Penistone has long been known as Aldermanshead. There is a place called Earl's Hill, or Mote Hill, in Aberdeenshire. Such names as these point to the fact that many earthworks were associated in some way with kings, priests, or chiefs.

A mound at Cropton, about four miles north-west of Pickering, East Yorkshire, is described by Young in 1817

<sup>1</sup> Murray's *Handbook for Northamptonshire*, pp. 17, 46, 169.

<sup>2</sup> Murray's *Handbook for Bedfordshire*, 1895, p. 121.



as a fort. "There is a round fort at Cropton," he says, "about 200 yards to the west of the chapel, on a projecting point of the heights where the chapel and chapel-yard are situated. It looks like a very large *tumulus*, and measures 150 feet over, including the height of its sloping sides, and the depth of a trench that encircles its base. Its height may exceed 30 feet. The approaches towards it, from the chapel, have been altered, an old hall, the ruins of which are still discernible, having stood in that direction, from which the fort is called *Hall garth hill*; but in the opposite direction, towards the valley, we find a double ditch of great strength sweeping round the point of the hill, and another ditch round the foot of the hill, defending the approach from the plain."<sup>1</sup> Young mentions an ancient cross in the chapel-yard. There is a splendid view from the mound.

In the townland Donegore, at a short distance north-west of the church, is a very large mound called Donegore Moat. There is a large earthen fort, with extensive entrenchments, close to the north side of the cathedral of Downpatrick. The church of Donaghadee stands near a large earthen fort.<sup>2</sup> About 200 yards to the west of the church of Barwick-in-Elmet, near Leeds, are some extensive earthworks. They consist of a conical mound known as Hall Tower Hill, which is about 30 feet high, and covers a base of about 300 feet in diameter. This mound is surrounded by a ditch, and the circle thus formed lies within a platform of irregular figure surrounded by a bank of earth. A much larger enclosure, also defended by a bank of earth, adjoins the north side of this platform, and is known as Wendel Hill. The two enclosures contain together an area of more than thirteen acres, and from them an entrenchment or bank of earth extends eastwards as far as the village of Aberford, and beyond it. The church, dedicated to All Hallows, is built of two kinds of

<sup>1</sup> Young's *History of Whitby*, pp. 687, 757; see also Eastman's *History of Kirkby Moorside*, 1824, p. 451, where the author says: "Perhaps some of those hills called tumuli were watch-towers."

<sup>2</sup> W. Reeves, *op. cit.*, pp. 17, 64, 142.



stone, namely, limestone and red sandstone. The chancel is said to contain pre-Conquest masonry resembling that at Jarrow-on-Tyne, and some early sculptured stones have been removed from the walls. The massive tower of the church dominates the village. Barwick stands high, and Hall Tower Hill forms the summit of a striking natural eminence. The Maypole is still reared at Barwick every third year. It is fixed near the village cross, which is midway between Hall Tower Hill and the church tower. It is wreathed or striped in colours of red and white, and they say that whoever is struck by it in the process of rearing is worse than lamed for life; "knocked at Barwick" is a local expression for a person of weak intellect.<sup>1</sup>

On the first Monday after Easter a tall ash-pole is fixed in a mound upon Wayting Hill at Hexton, in Herefordshire, which was the highest point in the district. The pole had to be dragged up by the women of the town, and it was dragged down into the Town House, where a feast was prepared.<sup>2</sup> It is well to mention these poles, or Maypoles, which belong to the debased wrecks of heathenism, because, as will be seen in Chapter XVI, the Maypole dance at Salisbury was managed by the churchwardens.

An artificial mound adjoins the churchyard of Bardsey, near Leeds. There is a well-known "Saxon" church here. A large artificial mound known as Cock Hill may be seen about 130 yards west of the church of Burgh-le-Marsh, Lincolnshire. It is described on the Ordnance map as a tumulus.

The church at Kippax, near Pontefract, stands on the highest land in the parish. Close to it, and with the churchyard encroaching on its ditch, is a circular hill of artificial construction. The top of this big mound is hollow, and the villagers call it the "cheeny basin," or china basin. The place is known as Manor Garth, but

<sup>1</sup> Whitaker's *Loidis and Elmete*, p. 152; Murray's *Handbook for Yorkshire*, p. 257; Bogg's *Old Kingdom of Elmet*, pp. 15, 145 f.

<sup>2</sup> *Notes and Queries*, 10th Series, xi. p. 488; letter to the writer by Mr. W. B. Gerish.

not a vestige of a house remains. The lower part of the church tower and the nave contain herring-bone work, and Mr. Micklethwaite ascribed the building to the twelfth century. A few years ago there was found in the wall of the tower a rude representation of a human figure, with interlaced work, and a cable border.<sup>1</sup> Some earthworks at Potterton, near Leeds, are also known as Manor Garth.

A very little to the west of the church of Ryther, six miles north-west of Selby, are the fragments of a well-defined moat, and parallel with the moat on the west is a fen dyke known as the Fleet. The church has a very ancient chancel arch, and two rude round-headed windows in the north wall. Built into the outside walls are fragments of an earlier building. The field west of the church is known as Hall Garth or Castle Field.<sup>2</sup>

About 70 yards north-west of Egmantion church, Nottinghamshire, is a big and steep artificial mount called Gaddick Hill.<sup>3</sup> A large portion of the adjoining vallum and fosse has been destroyed, but enough remains to show that the earthworks were of the "mount and court type," as it has been called.

About 100 yards to the west of the tower of the old church at Mirfield, near Dewsbury, "is one of those conical mounts so frequently met with in the north of England, and intended, as appears from their peculiar sites, for places of defence attached to the manor-houses of Saxon lords. For, immediately adjoining to this was the mansion successively of the Mirfields, Hetons, and Beaumonts, still denominated Castle Hall; an antique and very picturesque timber house, unquestionably built by Thomas Beaumont, in the reign of Henry VIII, though a foolish mistake in the reading of some obscure numerals has carried it up to a much higher antiquity."<sup>4</sup> There is a field called Great Chapel Well about 130 yards west of the mound. A little to the south-east of the church are fields called Kirk Flatt

<sup>1</sup> Bogg, *op. cit.*, pp. 120 f.

<sup>2</sup> Bogg, *op. cit.*, pp. 245 f.

<sup>3</sup> *Victoria History of Nottinghamshire*, i. p. 306, where a plan is given.

<sup>4</sup> Whitaker's *Loidis and Elmete*, 1816, p. 366.

and Spittal Well. The mound is about 50 feet high, and its level top is about 60 feet in diameter; it is surrounded by a moat, a portion of which on the east side has been cut away. The present church is entirely new, having been erected since 1884. A plan made in that year shows that Castle Hall stood between Castle Hill, as the mound is called, and the church. Only the tower of the old church is left standing, and the new church is erected on the site of Castle Hall and its outbuildings. The lower part of the old tower is built of rubble stones, firmly embedded in a strong cement; whilst the small windows with circular top, and low arched door leading from the bottom of the tower to the nave, showed it "to be of the Saxon style of building." No church is mentioned in Domesday, but a rector was inducted in 1247. There is a tradition about the foundation of this church. It is said that in 1261 Sir John Heton's wife fell into the hands of thieves as she was going to Dewsbury church, which caused Sir John to apply to the Pope to have Mirfield chapel made into a parish church. The Pope gave leave, and Sir John built the church on his own land. The church was appropriated by a bull of Boniface IX to Kirklees Nunnery in 1400-4, and it was the most valuable possession of that house.<sup>1</sup>

Writing in 1732, Horsley says that at Market Weighton, in Yorkshire, he observed what he called "a tumulus, or exploratory mount, in a field near the mill called the Hall Close. The people think there has been some building here, and the church is just by this field. There are also some trenches here." <sup>2</sup>

About 140 yards west of Holmesfield church, near Sheffield, is a round artificial mound called Castle Hill. A chapel at this place, dedicated to St. Swithin, is mentioned in 1491, and we hear of a chapel warden in the same year. Mr. Rawlins visited this building in 1821,

<sup>1</sup> *Mirfield Parish Magazine*, October 1873; Harleian MS., vol. 797, folio 39; S. J. Chadwick in *Yorkshire Archaeological Journal*, xvii. 426. Mr. Chadwick kindly lent plans to the writer.

<sup>2</sup> *Britannia Romana*, p. 404.

five years before it was demolished. He found that the nave was separated from the aisle by Saxon arches supported by circular piers, and that the chancel was entered by a plain rounded arch. The Court Rolls of the Manor for A.D. 1500 mention a place called Berry Hill, which may be identical with Castle Hill. The church and mound are at an elevation of 850 feet, and stand on the summit of a hill.<sup>1</sup>

About 150 yards north-west of Bradfield church, five miles from Sheffield, are some very remarkable earthworks. "Near the church," says Hunter, "is Bailey-hill, a Saxon camp as fair and perfect as when first constructed, save that the keep is overgrown with bushes. An elliptical area of about an acre is defended on one side by a large and steep natural bank; and on the other by an artificial agger, 110 yards long on the outside, and about 80 within. The area is further protected by a ditch accompanying the artificial agger, which runs 18 yards above it, and about 8 yards above the level of the area within. The only entrance to the area is by a narrow pass at one extremity, while the other is occupied by a circular tumulus or keep on a base of 174 yards in circumference, and rising to a height of about 27 yards."<sup>2</sup> The circular mound is exceedingly steep, and hard to climb. The earthworks at Bradfield occupy an elevated and commanding position, and the nature of the ground made it unnecessary to enclose the garth by an earthen bank on all sides. The Rev. R. A. Gatty collected more than 500 flint implements in the field surrounding Bailey Hill, and found many on the hill itself.<sup>3</sup> Domesday mentions no church at Bradfield, but there was a chapel here in 1245. Dods-worth, who visited Bingley, in Yorkshire, in 1621, says there was a castle near the church in that village on a hill called Bailey Hill, of which little more than the name and the tradition now remain.<sup>4</sup> At the top of the town

<sup>1</sup> Cox's *Churches of Derbyshire*, i. p. 217, iv. p. 462; *Derbyshire Archæological Journal*, xx. pp. 60, 68, 71; Lysons's *Derbyshire*, p. 134.

<sup>2</sup> *Hallamshire*, 1819, p. 268. Plans and illustrations are given in Addy's *Hall of Waltheof*, pp. 36 f.

<sup>3</sup> Gatty's *A Life at One Living*, pp. 201-4.

<sup>4</sup> Whitaker's *Craven*, ed. 1878, p. 191.



of Mold, in Flintshire, is also an eminence called Bailey Hill, where a gold coin of Vespasian and vast quantities of human and animal bones, including remnants of the horns of stags and roebucks, have been found.<sup>1</sup>

The castle of Worcester, says Leland, "stood hard on the south part of the cathedrall church, almost on Severne. It is now cleane downe, and halfe the base courte or area of it is now within the wall of the close of the cathedrall church. The dungeon hille of the castle is a greate thinge, at this tyme overgrown with brushwood. This castle fell to ruine soone after the Conquest, and half the ground of it was given to the augmenting the close of the Priorye."<sup>2</sup> In this case the "dungeon hille," or castle mound, has been explored, and found to contain numerous British, Roman, and Anglo-Saxon remains. These included a fine bronze celt, numerous Roman coins, bronze fibulæ, bells, and half a silver penny of Ethelred II. A Roman urn or jug, in the finest state of preservation, was found about 16 feet deep in the mound. Six Roman brass fibulæ or brooches were found in the black stratum under the mound, but the largest one was near the outside of it. No human remains or burial-urns were discovered.<sup>3</sup>

That many of the earthworks just described were associated with ancient halls is proved by the names which they bear. The most frequent name is Hall Garth, so often applied to such enclosed places in Yorkshire. And then we have Hall Yard, Manor Garth, Hall Close, and Castle Hill. Furthermore, we have such names as Hall Tower Hill, Palet Hill (palace hill), and Berry Mount (fortress mound).

Sometimes the hall, as we saw was the case at North Elmham, remains within the earthworks, but either it is a ruin, or it has been rebuilt from time to time. Little Moreton Hall, in Cheshire, is situated in a square moat filled with water. "Within the moat, at the north-west angle, is a circular mound, which probably supported a

<sup>1</sup> Pennant's *Tours in Wales*, ed. 1883, pp. 35-6.

<sup>2</sup> *Itinerary*, iv. p. 102.

<sup>3</sup> *Proceedings of the Archæological Institute at Worcester*, 1851, p. 35.

tower of the earlier mansion ; and at the south-east angle is another circular mound of much larger dimensions, situate outside the *present* moat, but apparently included originally within it." The hall is one of those beautiful old timber structures which are still not unfrequent in Cheshire. In one part of the building is "a small and very curious chapel, divided into the regular form of chapel and ante-chapel, separated by a wooden screen. The extreme length is 10 yards, the ceiling very low : the chapel is about 4 yards long by 3 wide ; the ante-chapel about 6 by 5 : at the east end is a pointed window. . . . The materials of the house are timber, wicker-work, and plaister."<sup>1</sup> Domesday mentions two manors at this place. There has never been a church in the village.

At Kingerby, near Market Rasen, the hall stands on a flat artificial mound about 2 acres in extent, encircled by a deep moat, of which the portion on the north side is nearly perfect. Outside this was a fosse enclosing about 12 acres, and including the church, as well as the hall, within its ambit. This outer fosse can be distinctly traced for practically the whole of its course. The church, which is a small building, and has a massive Early English tower, with a south doorway decorated by tooth ornament, is about 40 yards north-east of the deep moat. The present hall was built rather more than a century ago on the old site, in which are the remains of earlier buildings. Within the grounds of the hall there have been discovered two British skeletons, an ancient iron sword, and a mutilated stone cross. The cross is dated A.D. 1451 in Arabic numerals, and inscribed *Pons Episcopi* ; it bears the Chi-Rho monogram, with the letter Alpha on one side of it and Omega on the other. It may have been brought from Bishopbridge, a mile and a half away. Before A.D. 1119 the place is called Chimerebi, where the Bishop of Lincoln had two carucates ;<sup>2</sup> it is not in Domesday. In 1177 the church, "with all its appurtenances," was given by Walter de Amundeville to the Hospital, or Priory,

<sup>1</sup> Ormerod's *Cheshire*, ed. 1882, iii. pp. 46-50.

<sup>2</sup> *Survey of Lincolnshire*, ed. Greenstreet, 1884.

of Elsham, and it will be seen in the next chapter that such a gift carried the manor. On making such a gift to a monastery it was usual to provide for a vicar, and in 1258 a fresh ordination of the vicarage was made. Among other things, it was then provided that "the vicar shall have the east part of the church homestead from the gable of the chamber, with the hall and other rooms situate in that part. The monks shall have the west part of the same homestead, with the barn and other buildings thereon. But the vicar shall have free ingress and egress to and from his courtyard through the great gate in the part of the church homestead assigned to the monks."<sup>1</sup> Here we have the usual hall-and-chamber building, which, like the building at North Elmham (p. 2, *supra*), was oriented like a church, the chamber, corresponding to the chancel, being at the east end of the hall, with its gable to the east. As at Cedde Hall (p. 29, *supra*), there was probably a "cellar" beneath the chamber. As regards the courtyard, the manor-house of Castle Combe, in 1454, consisted of a large stone hall, with a chamber; it had a stable annexed to the end, and there was a court (*curia*) before the entrance to the hall,<sup>2</sup> as at Kingerby. At Kingerby, then, in 1258 there arose in "the church homestead" a dual ownership, the barn and other buildings on its west side being doubtless reserved for storing the tithe sheaves and other property of the monks. Whether or not "the church homestead" was the manor-house which stood within the deep moat just mentioned it is impossible to say. But there can hardly have been both a manor-house and a rector's house before 1177, when lord and rector were identical, as they now are, though the rector is called lay rector. There is still an entrance to the artificial mound on the west side.

<sup>1</sup> "Vicarius autem habebit partem orientalem mansi ecclesiæ a gabula solarii, cum aula et aliis officinis in illa parte sitis. Et prædicti religiosi habebunt partem occidentalem ejusdem mansi cum grangia et aliis domibus in ea positis. Dictus autem vicarius habebit liberum introitum et exitum usque ad curiam suam per magnam portam sitam in parte mansi ecclesiæ dictis religiosis assignata."—Copy of document belonging to Mr. J. J. Baldwin Young, lord of the manor, to whom the writer is indebted for information.

<sup>2</sup> Scrope's *History of Castle Combe*, 1852, p. 207.

Many of the great artificial mounds near churches were burial-places. There is a very large mound on the south side of Croxall church, Derbyshire, which a former owner intended to remove, but on finding that it contained human bones he ordered it to be closed up again and planted with trees.<sup>1</sup> A short distance to the south-west of the church of St. Weonard's, Herefordshire, and almost adjoining the churchyard, is a mound with a diameter of about 120 feet, and about 20 feet high. The summit of the mound forms a circular platform of about 76 feet in diameter, levelled in such a manner that the mound appears to have been truncated. "The edge of this circular platform," said Mr. Thomas Wright, "is planted round with large fir and other trees, among which is a decayed yew-tree, of very considerable antiquity, and a tall poplar stood exactly in the centre. I am informed that, until recently, the platform on the mound was the usual scene of village *fêtes*, that it was the spot chosen especially for morris-dancing, a custom which prevailed very extensively in Herefordshire, and that the poplar in the middle was used as the village maypole. Nor could a spot have been chosen more attractive for such purposes; for, placed itself on a bold isolated eminence, the height of the mound gives to its summit a commanding prospect of a most extraordinary kind, extending in a vast panorama round the whole circuit of the horizon." Mr. Wright opened this mound in 1855 by cutting a deep trench through it, and in doing so removed the poplar. Under a great mass of stones he found ashes mixed with pieces of burnt human bones, and over these had been built a rude vault of large rough stones. Elsewhere in the mound he found another interment of ashes also mixed with human bones, in a half-burnt state. He describes the church as rather a late building, possessing no very remarkable feature.<sup>2</sup>

The dwelling-place of Guthlac, the hermit of Crowland, once an island in the fens of Lincolnshire surrounded by black and muddy water, stood by the side of a burial-

<sup>1</sup> Glover's *Derbyshire*, 1829, ii. p. 330.

<sup>2</sup> Wright's *Essays on Archæological Subjects*, i. pp. 58 f.



mound. "There was on the island," says Felix, his biographer, "a great mound (*hláw*) raised upon the earth, which men of yore had dug and broken up in hopes of treasure. On the other side of the mound there was dug, as it were, a great water-pit. Over this pit the blessed man Guthlac built himself a house (*hús*)," in which he resolved to live all the days of his life in a clothing of skins. In other words, there was a well in the house. In subsequent passages Felix speaks of this house as a cottage (*cyte*), and also as a church, as though he could not tell a house from a church. In one place the holy man is described as coming out of his church, and in another he is said to have been attacked with illness therein. On the seventh day of his illness he is said to have been found in a corner of his church, leaning against the altar. Felix cannot have written his biography later than A.D. 749.<sup>1</sup> In 1880 the mound, including the water-pit or well, was explored, and a plan drawn. The mound was about 60 feet across, and not more than 3 feet high in the centre. "It was surrounded by a ditch in which was preserved an abundance of rude pottery of native manufacture; and near the sides of the mound were several cinerary urns or vases, including some very good specimens of lathe-turned Roman ware." One of the urns was intact, and contained burnt human bones and ashes. There were layers of ashes in the mound, flint implements, a bronze celt, light-striker, and other objects. Great quantities of flint chippings were found in the bottom of a shallow hole near the mound.<sup>2</sup>

In the Isle of Man there are numerous ancient *keeils* or cells, the more primitive of which were entirely made of sods, their internal dimensions being about 15 feet by 9 feet. Their single entrance seems to have been their only source of light. "They were usually erected on artificial hillocks, some 3 feet or 4 feet high, and 30 feet in diameter, which were surrounded by a sod fence, and contained no graveyard. A rather better class of *keeil* was built of sod

<sup>1</sup> *The Anglo-Saxon Version of the Life of St. Guthlac*, ed. Goodwin, 1848, pp. iii, 27, 37, 51, 79, 83, 89, 91.

<sup>2</sup> W. de Gray Birch's *Memorials of St. Guthlac*, 1881.

and rough stone, or of rough stone only, without mortar. These *keels* seem to have had side-lights, as well as an entrance-way, and their artificial hillocks, which were oval in form, being as much as 120 feet by 70 feet, were used as graveyards. As they are all in ruins, it is impossible to say how they were roofed. . . . Near them there was invariably a well.”<sup>1</sup> The Old Irish word for *keel* is *cill*, Latin *cella*, and Stokes translates it “church.” In the Life of St. Brigit we are told of “a certain man biding in Lassair’s church (*cill*), and his wife was leaving him, and would not take bit nor sleep along with him.”<sup>2</sup>

An old church at Fimber, East Yorkshire, which was pulled down in 1869, had stood upon an artificial mound which Mr. Mortimer, perhaps mistakenly, regards as a barrow. Animal bones, flint implements, burnt wood, pottery, human bones, burnt and unburnt, and flint implements were found. The workmen also found beneath the floor of the church “a dome-shaped cavity resembling an old-fashioned beehive of straw in shape, though about twice the size. This was at the base of the mound, and had not been injured by any previous excavation. The bottom of this mysterious receptacle reached the rubbly chalk surface beneath the barrow, and its sides were baked and deeply reddened by intense heat. We also observed remaining portions of two clay-sided flue-holes or passages, extending about 18 inches from opposite sides, a little above the bottom of the dome-shaped structure. . . . In addition to the burnt wood, and the fragments of apparently Roman or Romano-British pottery that this place contained, there was a considerable quantity of a vitreous clay-like substance, in which were small pieces of what seemed to be fused bronze.”<sup>3</sup> “There appears to be no evidence,” says Mr. Mortimer, “that a Christian graveyard has ever been connected with the church of Fimber,” the present burial-ground having been licensed

<sup>1</sup> A. W. Moore's *Sodor and Man*, 1893, pp. 27-8.

<sup>2</sup> *Book of Lismore*, p. 192.

<sup>3</sup> *Forty Years' Researches in British and Saxon Burial Mounds of East Yorkshire*, p. 191.

in 1877. Bones and ashes were found at some depth below the foundation of a chapel called Bartle's Kirk in the island of Unst, but no trace of Christian burial.<sup>1</sup> Such discoveries are by no means uncommon.

At the rebuilding of Kildale church, in Yorkshire, in 1867, a number of skeletons, in perfect preservation, were found in the middle of the nave, and near the north wall. In company of several of them were objects of bronze and weapons of iron.<sup>2</sup> It is possible that an earlier church, on the site of which the mediæval church stood, had been used for heathen burial, unless, as we shall see was the case at Ludlow, a part of the church stood on the site of a removed burial-mound. We are told in the Penitential of Archbishop Theodore of Canterbury, who lived in the seventh century, that mass might be celebrated in a church where the faithful and religious were buried. But if heathen (*infideles*), heretics, and perfidious Jews were buried there, it was unlawful to consecrate it, or to celebrate mass. If, however, the church seemed a fit place to be consecrated, then, after digging up the bodies, and washing and scraping the walls, it might be consecrated, if it had not been consecrated before.<sup>3</sup> It is interesting to notice that the word church (*ecclesia*) is here applied to a heathen building, as Kildale church may have been. In the Scandinavian and Teutonic countries burial in the house was not unfrequent. Thus about A.D. 930 Viga Hrapp was buried in the doorway of his kitchen (*eldhús*). Professor Henning says it was a very common practice for the German farmer to be buried in the house where he was born. In this custom we seem to have another link connecting the house with the church, and also a possible explanation of the pagan interments found in English churches.<sup>4</sup>

When St. Cadoc, who is said to have lived in Wales in the sixth century, first built a monastery, he began, as

<sup>1</sup> *Antiquary*, N.S., 1905, i. p. 134.

<sup>2</sup> Atkinson's *Glossary of the Cleveland Dialect*, 1868, p. xx.

<sup>3</sup> Thorpe, ii. p. 56; cf. Hadden and Stubbs, *Councils*, iii. p. 190.

<sup>4</sup> *Laxdale Saga*, chap. xvii.; Henning, *Das Deutsche Haus*, p. 37.

the story goes, "to raise up a huge mound of earth, and to make therein a beautiful cemetery, dedicated to the honour of God, in which the bodies of the faithful might be buried about the entrance to the church. The mound being at length completed, and the cemetery also constructed therein, he made, through impassable places, four large footpaths across the four declivities of the rising grounds which surrounded his cell (church?). . . . Likewise he chose another place for himself, and caused to be raised in it, of the soil of the earth, another circular mound, in the form of a city, and on the mound to be erected what in the language of the Britons is called the Castle of Carodoc."<sup>1</sup> We are here reminded of the four public ways (*viæ vicinales*) by which, according to Mr. Sharpe, the Roman surveyors divided a district into areas or "blocks."<sup>2</sup> Though the story cannot be entirely accepted, it is good evidence of the existence of barrows near houses and churches at an early time. We are reminded of the family tombs built near the houses of the ancient Greeks and Romans.<sup>3</sup>

A little to the west of the site of the old church at Taplow, in Buckinghamshire, is a barrow, 240 feet in circumference, and 15 feet high. The church is no longer visible, but its ruins existed in 1853. It "had been erected at the eastern end of an enclosure, the centre of which was dominated by the barrow. The whole occupied high ground, known locally as Bury Fields." The barrow contained a wealth of relics of the non-Christian type, among them being two shield bosses, a bronze vessel, a wooden bucket with bronze hoops, and two pairs of ornaments for drinking horns, of silver gilt. The most remarkable article was a quantity of gold thread belonging to a garment. The trunk of an ancient yew-tree which had been planted on the barrow was still in existence

<sup>1</sup> "Dehinc cepit vir venerandus vastum acervum de terra erigere, atque in eodem pulcherrimum cimiterium in honore Dei dedicatum facere, [in] quo fidelium corpora circa templi aditum sepelirentur," &c.—*Lives of the Cambro-British Saints*, ed. Rees, pp. 34-5.

<sup>2</sup> *Parish Churches on Romano-British Sites*, 1909, p. 2.

<sup>3</sup> Fustel de Coulanges, *The Ancient City*, book ii. chap. i.



in 1883, when the mound was excavated.<sup>1</sup> We have just seen that there was an ancient yew-tree on the mound at St. Weonard's.

The word "low," O.E. *hlāw*, a mound, means, when compounded, as at Taplow, with a personal name, a burial-mound. It is remarkable that, in one case at least, the name of a burial-mound was applied in the first instance to the church and churchyard, to the exclusion of the rest of the parish. "It is a somewhat curious fact," says Mr. Earwaker, "and one that is believed to be almost unique in the county of Cheshire, that 'Wilmslow' in strictness consists exclusively of the parish church and adjacent churchyard, the village now called by this name lying chiefly in the townships of Bollin Fee and Pownall Fee."<sup>2</sup> A mound called Brinklow Mount, believed to be a barrow, stands near to the east of Brinklow churchyard, Warwickshire. There is a large artificial mound in the churchyard of Stapleton, near Shrewsbury. We have already mentioned the remarkable church there (p. 73, *supra*).

In 1199 the men of Ludlow, which is not far from Stapleton, decided to make their church longer, because it was too short to contain the people who frequented it. Accordingly it became necessary to remove a great earthen mound at the west end of the building (*ad occidentem ecclesiæ*) where its wall had to be extended. When they had levelled the hill with the ground they found three stone tombs (*mausolea*) and comely bodies of saints. The clerks of the church took these remains away, put them into a wooden chest, carried them into the church, and laid them in a suitable place. Here the mound was obviously a burial-mound, and was close to the west end of the church. The churchyard of Ludlow is on the most elevated part of a hill. "The silence of Domesday Book," says Wright, "is a satisfactory proof that there was neither town nor castle at Ludlow when it was

<sup>1</sup> W. Johnson, *op. cit.*, pp. 81-2, where the references are given; Du Chaillu's *Viking Age*, 1889, p. 318.

<sup>2</sup> Earwaker's *East Cheshire*, i. p. 42; see also Ormerod's *Cheshire*, ed. 1882, i. p. 586.

made."<sup>1</sup> Saints are said to have been buried in cairns. St. Duthace's cairn at Tain, in Ross and Cromarty, was pointed out not long ago.<sup>2</sup> It will be remembered that the tent in which Aidan died was fixed at the west end of his church (p. 17 *supra*).

Near the halls of old Norse chiefs were artificial howes or mounds in which the dead had been buried, and which were used as "horgs" or high places where ancestors were worshipped. This is shown by various passages in their poets and prose writers. The most important of these were collected by Messieurs Vigfusson and Powell, who say: "There were artificial howes ('ätt-högar,' family howes, as the Swedes call them) set near the main door of the big house on the estate. Thus there are mounds near the east door of Walhall in Balder's Doom; and mounds near the house in the Helgi Lay, where the maid sees the dead riding by. Gunnar's cairn (in Niala) is not far from the house. Indeed, the barrow, besides being the place for the 'horg' of family worship, was also the seat of the patriarch. Thus Giant Thrym is sitting on the howe by his hall, 'the lord of the giants, plaiting golden leashes for his greyhounds, and trimming the manes of his horses.' And later in Hallfred's Saga, the good yeoman Thorlaf 'was wont, *as was much a habit of the men of old*, to sit for long hours together out on the howe not far from the homestead.' Here he was to be found by all who sought him, and could see all that was going on all over the farm. The shepherd of Gymi, in the Lay of Skirni, is sitting on a howe hard by the hall, when Frey's messenger came riding into Gymi's croft."<sup>3</sup> This is the explanation of the proximity of burial-mounds to so many British and Irish churches. Such burial-mounds are later than the halls or dwellings which the churches supplanted, or from which they were evolved. We may offer the explanation with confidence, because we know that the Eddic Poems, as their editors rightly contend, describe life in the British Isles.<sup>4</sup>

<sup>1</sup> Leland's *Collectanea*, iii. p. 407; Wright's *History of Ludlow*, 1852, pp. 14, 34.

<sup>2</sup> *Origines Parochiales Scotiæ*, ii. p. 427.

<sup>3</sup> *Corpus Poeticum Boreale*, i. p. 416.

<sup>4</sup> *Op. cit.*, i. pp. lvi-lxiv.

Inasmuch as some of the mounds near British churches are known to have been burial-mounds, it will hardly be doubted that they too were "horgs," harrows, or high places of heathen worship and sacrifice. The Maypoles, morris-dancing, and village feasts connected with such mounds point strongly to this conclusion.

Furthermore, the mound on which the patriarch sat, and where he was to be seen by all who sought him, does not differ greatly from a moot-place, or seat of judgment. King's Hill in the parish of Wrangle, just mentioned, may have been such a place, for the *Heimskringla* speaks of a man sitting on a mound as kings do.<sup>1</sup> Pinturicchio's fresco of St. Catherine of Alexandria pleading before her judges, chromo-lithographed for the Arundel Society, shows a judge sitting in the open air by a gate, with his face turned towards a barrow, which is surmounted by a dolmen. At the foot of the barrow is a man on horseback, gorgeously dressed and surrounded by attendants, who may have been a prince or king. Pinturicchio was born in 1454.

Tribal meetings were held at cairns, and various rites performed there.<sup>2</sup> Township meetings have been held at burial-mounds down to a comparatively recent time. A meeting of this kind was held on a burial-mound called Staden Low, which is on the summit of a hill about a mile to the south of Buxton. "The officers of the surrounding hamlets," we are told, "have, in consequence of some ancient prescription, till within these few years, been annually chosen on the top of Staden lowe, and their names registered in the parochial records, on a large flat stone placed there for the purpose, and which has from time immemorial occupied that situation." Here, as on other eminences where courts were held, no church was ever built, but a rectangular place enclosed by a mound and ditch formerly existed.<sup>3</sup>

Moreover, we seem to learn from the name Toot-hill

<sup>1</sup> "Hann sat á haugi sem konungar."—*Heimskringla*, i. p. 136.

<sup>2</sup> *Vitæ Sanctorum Hiberniæ*, p. cix.

<sup>3</sup> Jewitt's *History of Buxton*, 1811, p. 82; Bateman's *Vestiges*, 1848, p. 123.

(look-out hill), which is occasionally, as at Pirton in Herefordshire,<sup>1</sup> applied to these conical mounds, that they were also watching-places. We have just seen that the Norseman was accustomed to sit on a barrow near his hall where he could "see all that was going on." This was obviously a watching-place. Thus the barrow which was the last resting-place of a beloved or venerated chief seems to have become (1) a place of family worship, (2) a moot-hill, or place for public meetings, and (3) a watch-tower. Mr. W. Johnson mentions a Toot-hill which proved to be a barrow.

The artificial, circular hill in the Isle of Man, known as the Tinwald Hill, near the centre of the island, is the place where, once a year, new Acts are proclaimed. The name Tinwald declares its antiquity, for it is the Old Norse *Thing-völlr*, Parliament-field. The Tinwald Hill is about 130 yards west of the Chapel of St. John, which has no burial-ground. The present chapel was built in 1847 on the site of another chapel begun in 1699. This again was built on the site of earlier chapels going back to an unknown time. In 1847 a Runic stone, containing part of an inscription, was found in the walls of the chapel erected in 1699. The annual Tinwald Court or legislative body of the island, sits in the chapel itself. "The Lieutenant-Governor and Council occupy during prayers the seats appropriated for them in the chancel; the Keys those situated in the centre of the chapel; and when assembled as a Tinwald Court, the Governor and Council sit in chairs placed forward in the chancel, before whom the sword of state is placed on a table, the Key retaining their seats in the centre of the chapel. When the latter body have to consult on business connected with their house, they retire to the south transept, where several of the seats have been previously removed for that purpose, and where they always sign the attestation as to the promulgation of the laws passed. The clergy occupy seats in the north transept." The chapel was also used as a court-house for the legal business of the district. Will

<sup>1</sup> W. Johnson, *op. cit.*, pp. 60-61.



were proved in it. As late as 1807 execution for debt was granted at a court held in it.<sup>1</sup> The House of Keys consisted of twenty-four landholders of the island.

Attention has been drawn to the fact that in the Isle of Man, as in any ancient Norse moot-place, the court is due east of the hill; that the procession at the Tinwald Hill on the 24th of June (5th July, N.S.) proceeds from the court to the mound, and that anciently the king, seated on the hill, had to turn his "visage unto the east." "The Manx Tinwald," we are told, "is a guide to us, inasmuch as that now, wherever we are able to fix on either hill or court on a moot-field, the other is to be found due east or west, as the case may be. . . . The king sat on the hill, not in the court. Even at the present day the Manx look on the Tinwald Hill as their hill of liberty, and rightly so. Antiquaries wanting to dig into the mound are warned off as right-minded Englishmen would forbid digging into Shakespear's grave."<sup>2</sup> Nevertheless, it would be interesting to know if the Tinwald Hill began its life as a burial-mound.

The plan which, in the work just cited, Messieurs Vigfusson and Powell give of the Great Moot or Al-thing in Iceland, as it was before 1230, shows the Rock of Laws (*Lögberg*) in the west, joined by a fenced path to the circular Law Court in the east. A little to the south of the Law Court is an oblong church, and immediately to the south of the church is the "Homestead of Thing-valla."

In a plan of the earthworks on Tara Hill in Ireland we have a similar arrangement. West of the church of St. Patrick is an earthwork which in old Irish writings is described as Rath na Seanaidh, or Rath of the Synods (Fig. 29). "The remains," says Petrie, "of the Rath of the Synods, which is now popularly called the King's Chair Rath, are situated on the top of the hill. It appears distinctly to have had two external fosses and parapets; but

<sup>1</sup> Harrison's *Records of the Tinwald and St. John's Chapels* (Manx Society), pp. 31, 39, 43, 51, 56, 79.

<sup>2</sup> *Origines Islandicæ*, i. pp. 334-8. By mistake the Editors have written "due west of the hill." But the plan on p. 338 corrects this. The Welsh Laws (ii, 203) appear to show that the lord faced the west.

the outer ring has been partly destroyed on the eastern side by the erecting of the churchyard wall, and part of it has been removed on the southern side to spread over land. Within these enclosures are two Rath or mounds, of which the larger, situated to the south-east, is 106 feet in diameter, and the smaller, situated to the north-west, is 33 feet. It is this latter mound which is popularly called the King's Chair."<sup>1</sup> The popular name may be right, for this is a place where a king may have sat with his face to the east. In the old German courts

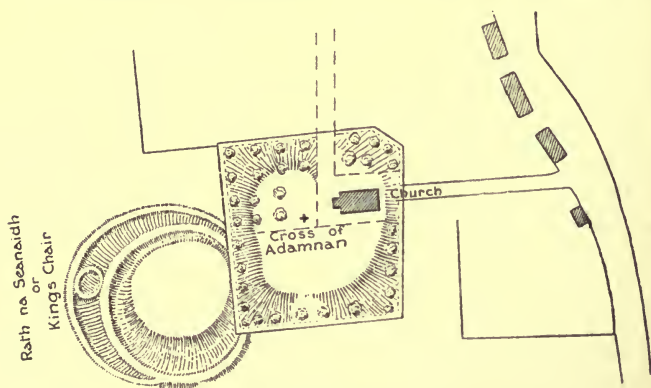


FIG. 29.—Plan of Rath of the Synods and Church, Tara Hill.

the judge, as Jacob Grimm shows, sat in the west and looked towards the east. On both sides of him were the assessors; he was higher, they lower; probably he sat on a hill, they in a semicircle round him.<sup>2</sup>

A German document of the year 1462 mentions "the customary court on Our Lady's Mount by the wall which surrounds the churchyard."<sup>3</sup> Near the church of Dalry, in Kirkcudbrightshire, is a moot-hill which is almost entire.

Adjoining the west side of the churchyard of Laughton-en-le-Morthen, near Rotherham, is an irregular space surrounded by an earthen bank, of considerable height

<sup>1</sup> Petrie's *History and Antiquities of Tara Hill*, 1837, pp. 139, 146, 150, 171, 175, and plate 6.

<sup>2</sup> *Deutsche Rechtsalterthümer*, 1854, pp. 807-8.

<sup>3</sup> *Op. cit.*, p. 801.

(Fig. 30). The enclosure is known to the inhabitants as the Hall Yard, and an artificial mound in its south-west corner is called Castle Hill. Though the natural advantages of the place are slight, the earthworks stand on the highest ground in the neighbourhood, and more than 400 feet above the level of the sea. Domesday Book

records the fact that Edwin, Earl of Mercia, had a hall<sup>1</sup> here, but does not mention a church. "If in any instance," says the Rev. Joseph Hunter, "I could be tempted to doubt whether in the account of this part of Yorkshire the silence of Domesday is to be taken as decisive evidence that no church existed it would be in respect of Laughton."<sup>2</sup> "The Saxon portion of the church," says Rickman, "consists only of a door on the north side, close

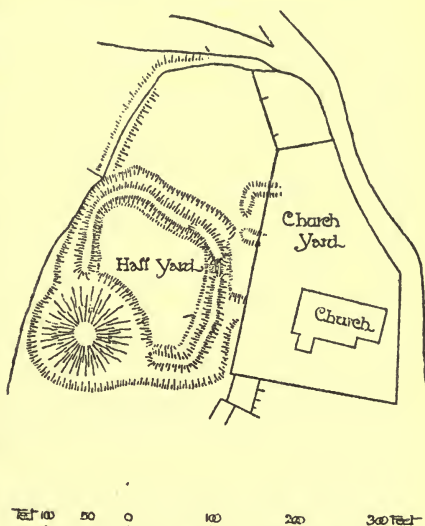


FIG. 30.—Plan of Earthworks and Church, Laughton.

to the western wall; it is evidently part of a more ancient structure, carefully preserved, and surrounded with more modern masonry of very different stone, and is clearly a long-and-short construction as Whittingham or Barton. . . . In the Norman chancel, intermixed with the grey stone, are several portions of the red sandstone, built in irregularly as if portions of an older building."<sup>3</sup> The north doorway was formerly blocked, as many ancient doors on the north sides of churches are, but a modern

<sup>1</sup> "Ibi habuit comes Eduin' aulam."—*D. B.* He had a hall (*curia*) at Macclesfield, which is fully described in Domesday, though no church is mentioned.

<sup>2</sup> *South Yorkshire*, i. p. 282.

<sup>3</sup> Rickman, *op. cit.*, p. 66, where the doorway is engraved.

door has been inserted of late years. Rickman included Laughton among the twenty churches which he regarded as earlier than the year 1000. There is no manor-house in the village, and the courts are held at an inn.

"In days of old," say Messieurs Vigfusson and Powell, "Hill and Court were, as it were, twins. Discussions, enactments of laws and decisions of law points took place in the Court, but anything partaking of proclamation, declaration, publication was done from the Hill."<sup>1</sup> At the Great Moot in Iceland there was a fenced path running between the Law Court and the Hill of Laws, and the church stood a little to the south-east of the Court.<sup>2</sup> If we could apply this to Laughton, the court would have sat on, or near, the site of the church. The Icelandic Code of Laws known as the Grá-gás, contained in a manuscript which is not later than 1230, and the last novella of which dates from 1217, has the following section: "It is the bounden duty of all men that have seats in the law-court always to fill up that which is said over, when the law-speaker says over the law, whether it be at the law-hill or in the law-court, or though it be in the church when the weather is uncomfortable out of doors."<sup>3</sup>

We may conclude the present chapter by referring to evidence which shows that the wall of the ancient *burh* or manor-house was often identical with the wall surrounding the churchyard. It was the duty of certain tenants of a manor to make the rampart of the manor-house, each contributing a specified portion. This obligation appears to have survived to recent times in the obligation of each owner of a farm in a manor to make a specified share of the churchyard wall.

First as to the obligation to make the rampart of the manor-house.

A well-known Anglo-Saxon customal, which dates probably from the tenth, and the Latin version from the twelfth century, states that one of the duties of the villan was to build and enclose the *burh*. At Dyddenham it

<sup>1</sup> *Origines Islandicæ*, i. p. 337.

<sup>2</sup> See the plan, *op. cit.*, i. p. 338.

<sup>3</sup> *Op. cit.*, p. 345.



was the duty of every villan (*gebūr*) "to ditch one rod of burg-enclosure."<sup>1</sup>

We have just seen that the *dūn* or circular fort of the Irish chief was surrounded by a trench made by his own tenants. In 1183 the tenants of certain manors belonging to the Bishop of Durham made the rampart of the court and the roof of the hall.<sup>2</sup> At Horlock, a manor of the Canons of St. Paul's, the tenant of each hide was, in 1222, bound to make six perches of the wall surrounding the court of the manor-house at Walton. At Kensworth, another manor belonging to the Canons, the court of the manor is described as containing three acres. At Tillingham the tenants had to cleanse the ditch round the *curia* (court) and to repair half a perch each.<sup>3</sup>

In 1352 we find Welsh declarations of custom which show that village communities, or men inhabiting a prescribed district, were accustomed to make not only the rampart surrounding the lord's manor-house, but also their hereditary share of the lord's chapel, as well as of the chamber of the raglot, or sheriff. Some tenants had each to repair one "vechme," or portion, on either side of the gate.<sup>4</sup>

Next as to the obligation of the tenants to make the churchyard wall.

At the taking of Chesterfield in 1266 it was noted that the men of the chapelry of Brampton, within the rectory of Chesterfield, were accustomed to make part of the walls of the churchyard at Chesterfield; and that in the time of the war of Simon de Montfort they resorted to that part of the wall which they had made, and would not suffer others to come thither.<sup>5</sup> Chesterfield was a rectorial manor, and had five dependent chapels. "At Church-

<sup>1</sup> *Rectitudines Singularum Personarum*, in Thorpe's *Laws and Institutes*, ii. p. 432; Kemble, *Saxons in England*, i. p. 321.

<sup>2</sup> "Claudunt curiam et co-operiunt aulam."—*Boldon Book* (Surtees Soc.), p. 38.

<sup>3</sup> *Domesday of St. Paul's*, pp. 7, 48, 62.

<sup>4</sup> *Record of Carnarvon*, pp. 48, 78, 80.

<sup>5</sup> "Solebant etiam (Bramptonienses) facere partem suam murorum cœmeterii (de Chesterfeld) et tempore guerræ Domini Simonis de Monte se recipiebant sub parte illa quam faciebant, nolentes alios permittere ibidem recipi."—Pegge in *Archæologia*, ii. p. 281.

down, near Gloucester," says Mr. A. H. Thompson, "the names of the various chapelries of the mediæval parish are still applied to divisions of the churchyard." In 1575 it was the duty of the inhabitants of St. Margaret's chapelry to repair the south side of St. Oswald's church and churchyard, Durham.<sup>1</sup>

In 1584 a man at Pittington, Durham, was declared to be liable for keeping a part of the churchyard wall in repair in respect of the farm of Byersgarth.<sup>2</sup> In 1607 the several townships in the parish of Houghton-le-Spring, near Durham, were by custom responsible for the repair of different parts of the churchyard wall. And in 1653 it was "ordered and agreed upon among the gentlemen and 24 that each towne within this parish come in and repair the churchyard wall so much as belongs to every township." In 1658 it was agreed "that each towne and hamlett in this parish doe before Midsummer next sufficiently repayre their severall parts of the churchyard walls, on a paine to forfeit 10s. a peece: and that part of the fence on the North which lyes in common, the churchwardens are to see the same be amended at the parish charge as formerly."<sup>3</sup> In 1703 the churchyard of Threlkeld, near Keswick, was walled about with stone and lime, according to the proportion of 4½ yards to every tenement.<sup>4</sup> In the Isle of Man the owner of each *treen*, of which there were usually ten in each parish, helped to make the churchyard fence.

The variation of the height of the rails surrounding the churchyard of Chiddingley, Sussex, was owing to the fact that "each landed parishioner supplied a length proportionate to the value of his property. The rails were marked with the initials of the donor, or with the names of the farms, and in the course of time the fence became known as the church marks." An engraving published in 1852 shows two of the different kinds of fencing which surrounded this churchyard.<sup>5</sup>

<sup>1</sup> *Depositions from the Court of Durham* (Surtees Soc.), p. 279.

<sup>2</sup> *Durham Parish Books* (Surtees Soc., No. 84), p. 16.

<sup>3</sup> *Op. cit.*, pp. 288, 306, 313.

<sup>4</sup> Bishop Nicolson's *Miscellany Accounts for the Diocese of Carlisle*, p. 108.

<sup>5</sup> *Antiquary*, vol. v., 1909, p. 193; Hussey's *Churches of Kent, &c.*, p. 213.

We have just seen that certain ancient churches stand within moats or entrenchments. We have also seen that the earthworks on and within which the church of Earls Barton stands are called Berry Field and Berry Mount. If, as we may suppose was the case in the tenth or eleventh century, it was the duty of the villans of this place to make the wall or rampart of the "berry" or "burh," we might expect that the obligation would continue when the rampart had become the churchyard wall.

A "burh" seems to have been the fortress of a tribe or kindred. A gloss of the eleventh century has "*in tribulanam*, in þa burh." Six lines above we have "*in tribuli*, in þæm gesibbum," so that *tribuli* means kinsmen, members of a kindred. Again, at the same period, we have "*in tribulano territorio*, on þæm sundor gereflande,"<sup>1</sup> meaning apparently tribal land, or land set apart by the community for the reeve. Hence *tribulanam* in the first passage appears to stand for *tribulanam arcem*, the tribal fortress, or place of refuge. In Old English *mæg-burh*, which occurs in *Beowulf* but is not confined to poetry, means, according to Heyne, the whole family of blood-relations belonging to a "burh." It afterwards came to mean family, kinsmen, tribe. The Irish tribesman had a share in the common fort.<sup>2</sup>

At Knowlton, in Dorsetshire, a ruined church and its burial-ground stand in the middle of a circular bank of earth which has an inner diameter of 150 feet. Warne describes this earthwork as "strong and carefully constructed, with a kind of narrow terrace raised to near the summit of the rampart on the inner side, and a wide, shallow fosse within." Three hundred feet directly east of this church is an isolated mound, which is apparently a barrow of unusual size. There are other scattered earthworks at the distance of about 500 feet from the church.<sup>3</sup>

<sup>1</sup> Wright-Wülcker, 425, 8, 2; 421, 11.

<sup>2</sup> *Beowulf*, ed. M. Heyne, 1879, p. 218; *Ancient Laws of Ireland*, i. p. 131. Cf. W. Johnson, *Byways*, pp. 97-9.

<sup>3</sup> Allcroft, *op. cit.*, p. 564, where a plan is given.

The numerous instances of churchyards enclosed by ramparts and moats, both in Great Britain and on the Continent; the chronicles or lives of saints in which kings and chiefs are described as giving halls or castles to be used as churches; fortifications of the "burh," and of the Irish "dún," which cannot be distinguished from fortifications of the churchyard wall—all this points to the conclusion that many of the oldest fortified churches were "burhs."

Other evidence points the same way. The laws of King Ethelred, who died in A.D. 1016, include this ordinance: "Let every vouching to warranty, and every ordeal, be in the king's 'burh.'" <sup>1</sup> Both before and after the Conquest, however, the ordeal, as will be seen in Chapter IX, was held in church, and many parish churches, such as Whitby, had the right of trial by ordeal. A section of the laws ascribed to Edward the Confessor (1016-66) relates to "those who give judgment by water or hot iron." It says that the bishop's thane (*minister*) and his clerks were to be present at the trial, together with the justice of the king (*justicia regis*), and the lawful men of the district (*provincie*), and they were to see and hear that everything was rightly done. The ordinance ends by saying that if there be any barons who have no rights of trial in the hundred where the cause shall be it shall be determined at the nearest *church* where the king's justice shall be,<sup>2</sup> that is in a church which had the right of ordeal. Since therefore the ordeal was held in church it is probable that the king's "burh" was a church. It should also be noted that an Old English word for vestibule was "inburh."

In the ninth century a "burh" at Worcester was ordered "to be constructed as a protection to all the people, and also to raise the praise of God therein." It was therefore both a fortress and a church, and we have just described the great mound near the cathedral. About 972 St. Paul's Cathedral, which is known to have been surrounded by a wall, is described as Paulusbyrig, Paul's

<sup>1</sup> Thorpe, i. p. 296.

<sup>2</sup> *Op. cit.*, i. p. 445.



"burh."<sup>1</sup> Under the year 963 the *English Chronicle* says that Abbot Kenulf first made the wall about the minster of Peterborough, and then gave it the name Burh, whereas it had been formerly known as Medeshamstede. We may be sure that this designation was not confined to the great churches; it might have been given to any church which was surrounded by a rampart.

As time went on most of the ramparts and moats which surrounded ancient churches were removed or filled up. Moreover, later churches were often built just outside the ramparts.

<sup>1</sup> Thorpe's *Diplomatarium Anglicum*, pp. 137, 520.

## CHAPTER VI

### BENEFICE OR MANOR

HAVING now discussed the structural resemblance between early British churches and halls or manor-houses; having found the origin of some British and Irish churches in the hall, or chief's house; and having described the earth-works which are the oldest sites of halls or churches, we may turn to the estates on which, in England, those buildings stood. It will be shown that the ecclesiastical benefice could not, as late as the fourteenth century, in many instances be distinguished from a manor. These instances have been selected from various parts of England.

In Domesday Book there is abundant evidence that churches and manors were valued together, as if they were inseparable.

In the eleventh century churches, like halls, had their demesne lands and their lands held in villanage. Thus Domesday Book says that at Bishop's Waltham, in Hampshire, Radulf the priest held two churches of the manor, with two hides and a half, and that a man held of them one hide in villanage.<sup>1</sup> At this period the church of Blideburc, or Blythburgh, in Suffolk, possessed two carucates of land with nine villans and four bordars, or villans of the lowest rank. In the Confessor's time one carucate of this land was held in demesne, but at the Norman Survey only half a carucate. Then four ploughs were kept by the tenants, but at the latter period they had only one. The wood was sufficient for the maintenance of twenty swine, and there was half an acre of meadow. It paid ten thousand herrings in pre-Conquest times, but at the Survey fifty shillings and three thousand

<sup>1</sup> *D. B.*, i. 40.

herrings. Osbertus Masculus held this property as an eleemosynary gift of the king. Two other churches, both unendowed, belonged to this church.<sup>1</sup> In the year 1268 Henry de Bosco granted a free man to the church of Flixton in Suffolk.<sup>2</sup>

The rectory of Halesworth, in Suffolk, has been a manor from the reign of Edward the Confessor. At that time the manor of Halesworth belonged to Aluric, but in this same township Ulf, a priest, held forty acres of arable land for a manor.<sup>3</sup> Accordingly the land which the priest held was a sub-manor. Besides the arable land the priest's manor had four acres of meadow, fourteen sheep, and two goats. To this manor also were attached four free men who held sixty acres with two bordars and two ploughs. The manor is still, says Suckling, appended to the rectory, courts are held, and manorial rights exercised by the rector. The rectory manor is mentioned in surveys as "a small manor belonging to the rectory, to which several free and copyhold tenants owe suit and service." From A.D. 1308 the rectors have been appointed by the lords of the paramount manor of Halesworth.<sup>4</sup>

Until a comparatively recent time the rector of Stoke Edith, near Hereford, was *ex-officio* lord of the manor both of that place and of Westhide, six miles distant. These two livings have been united in one benefice from the earliest times of which there is any record.<sup>5</sup>

The rectors of Whalley in the north-west corner of Lancashire were married men and lords of the town; they are called deans (*decani*) in a manuscript "Description of Blackburnshire" written in the fourteenth century. We find from Domesday Book that the church of St. Mary held in Whalley two carucates of land, free from every custom. "Now this," says Whitaker, "was not a glebe, which could

<sup>1</sup> Suckling's *Suffolk*, ii. pp. 131-2.

<sup>2</sup> *Op. cit.*, i. p. 203.

<sup>3</sup> "In eadem villa tenuit Ulf presbyter xl acras terræ pro uno manerio."—*D. B.*, ii. 299 a.

<sup>4</sup> Suckling's *History and Antiquities of the County of Suffolk*, 1846-8, ii. pp. 325-45.

<sup>5</sup> *Transactions of the Woolhope Club*, 1902-4, p. 113.

ever have been set apart for the use of an incumbent, but it was in fact the whole domain of the manor itself. . . . It is scarcely to be conceived that a founder, even in times of the most fervid devotion, would strip himself of his whole estate for the endowment of a parish church." The same writer refers to a charter, without date, but between the years 1198 and 1208, by which a rector of this church grants to a clerk certain lands to be held "of the church of Whalley, and of me and my successors, free from all secular service, in fee and heredity." The manuscript just referred to, which purports to be founded on ancient and true chronicles, and is printed by Whitaker, states that ten persons had held the office of dean in succession, besides an indefinite number of others whose names have been lost in remote antiquity. Those whose names have been preserved are Spartling, Liwlph, Cutwulph, Henry the elder, Robert, Henry the younger, William, Geoffry the elder, Geoffry the younger, and Roger. We are told of Roger, the last hereditary dean, that he lived in continence and caused himself to be raised to the sacerdotal order—from which statement Whitaker infers that previous deans had received only the lesser orders.<sup>1</sup>

According to the laws ascribed to Edward the Confessor, deans were justices (*justiciarii*) or heads of a tithing, their duty being to investigate disputes between townships as well as between neighbours, and to make orders and regulations about pastures, meadows, and many similar things.

The advowson is said to be always of the same tenure as the manor, or demesne, to which it is said to be appendant. Thus the advowson of Hever, in Kent, was always held by knight-service, that is to say, its owner was bound to bear arms for the defence of the realm. If the demesne was gavelkind at first the advowson is gavelkind now, and that whether the advowson remain appendant, or be severed.<sup>2</sup> (We shall, however, see that the advowson was the same thing as the manorial rights.)

<sup>1</sup> Whitaker's *History of Whalley*, 1818, pp. 48-60, 512-13.

<sup>2</sup> Elton's *Tenures of Kent*, 1867, pp. 215, 218.



In 1240 the Prior and Convent of Worcester usually describe themselves as the patrons of their *manors*. They also describe themselves as the patrons of Bromwich, Dodderhill, and other churches.<sup>1</sup>

On the Continent a church, as Dr. Ulrich Stutz shows, had rights, estates, and privileges which were not unlike those of an English manor. He quotes a grant of A.D. 790 by which a man called Perahtold, and Gersinda his wife, gave to the monastery of St. Gall their church which was situate in a place called Rammesauwa, partly surrounded by the Danube, with its houses, buildings, possessions, lands, meadows, pastures, ways, waters, water-courses, cattle, both male and female, cultivated and uncultivated land, movable and immovable property, and whatever could be described as belonging to the church.<sup>2</sup> In this century Bavarian churches were sometimes regarded as valuable family possessions. Dr. Stutz refers to a case in which a priest, his brothers, and other near relations gave a church to the altar of St. Stephen of Passau, reserving a life interest to the incumbent.<sup>3</sup> And he mentions another case, of about the same date, where a cleric and his wife gave all the rights they had in their church, of which a priest was then incumbent, to an episcopal house, the grant including men, serfs, farms, buildings, woods, orchards, meadows, pastures, water-courses, and all rights thereto belonging.<sup>4</sup>

In the early years of the twelfth century grants of English churches, accompanied by power to hold a court, with other manorial privileges, were not unfrequent. A church, for instance, was granted, usually to a monastery, with cause and suit (*cum soca et saca*). Thus in 1137 King

<sup>1</sup> "De Netherton. Prior et conventus patroni, et est de libertate hundredi de Oswaldeslawe et geldat cum Croppethorn."—*Register of Worcester Priory*, p. 72 b; see also pp. 76 a, 90 a, 92 a. There are many other references.

<sup>2</sup> *Geschichte des kirchlichen Benefizialwesens*, 1895, p. 142.

<sup>3</sup> "Gundalpereth presbyter et fratres mei et alii proximi mei Kerfrid, Hrodhelm, Husito, tradiderunt æcclesiam sancti Georii in manu mea et ego cum illis tradidi æcclesiam istam ad altare sancti Stephani (Passau) et sit in manu mea, dum vixero, et post transitum meum sit donatio ista firma ad altare sancti Stephani."—*Op. cit.*, p. 200, referring to *Mon. Boica*, xxviii. b, p. 10.

<sup>4</sup> *Op. cit.*, p. 200.

Stephen confirmed the grants of a number of churches to the Priory of Eye, in Suffolk, together with cause and suit, rights of toll, jurisdiction in matters of warranty, and power to imprison thieves.<sup>1</sup> The man who had cause and suit was he who possessed the power to execute judgment over his vassals, or tenants, in a local court, and compel them to be suitors of that court. In feudal times jurisdiction and lordship were necessarily united.

"The lord of a manor," said Archdeacon Hale, "who had received by grant from the Crown, *saca* and *soca*, toll and team, &c., was not merely a proprietor but a prince; and his courts were not only courts of law, but frequently of criminal justice."<sup>2</sup>

The documents show that *a manor is frequently appendant to a parish church*. When a church was given to a monastery, the subject of the conveyance, down to the thirteenth century, was usually the *manor*, even when the deed only purports to convey a church and its appurtenances. And we shall see presently that the whole manor of Dewsbury was known in 1348 as a church (*ecclesia*).

Before 1128 Henry I gave to Richard de Aurea Valle, his chaplain, four churches of his four manors, namely, Warkworth, Corbridge, Whittingham, and Rothbury, as well in lands as in tithes, and in the men who belonged to the lands of those churches, together with jurisdiction in law-suits and disputes, toll rights, rights of jurisdiction in matters of warranty, and of jurisdiction over thieves, and with all their customs (customary payments or services).<sup>3</sup> Such gifts as these are analogous to the royal grants to thanes made, as will be seen in the next chapter, a century or two before, and thanes, as Dr. Stubbs shows, had jurisdiction over their men.

In A.D. 1200 there was a suit between Ralph de Eccles-

<sup>1</sup> Selden's *History of Tithes*, pp. 347-8.

<sup>2</sup> *Domesday of St. Paul's*, p. xxxii.

<sup>3</sup> "Quatuor ecclesias de quatuor maneriis meis . . . tam in terris, et in decimis, et in hominibus qui ad terras harum ecclesiarum pertinent, cum *soka*, et *saka*, et toll, et theam, et infangan de theef, cum omnibus suis consuetudinibus."—Raine's *Priory of Hexham*, i. Appendix, p. ix.

field, parson of Ecclesfield, near Sheffield, and Gerard de Furnivall about the wood (*boscus*) of Ecclesfield, and land in Woolley.<sup>1</sup> Furnivall was successful, and the costs, amounting to a hundred marks, not having been paid in 1206, the sheriff was ordered to sequester Ralph's *manor* of Ecclesfield until the money was forthcoming. In the following year Furnivall had a pension of twenty marks in the church of Ecclesfield, and this may have been the fruit of his judgment against the parson. In the same year he sold the pension to the Abbot of St. Wandrille, in Normandy, for £100. The benefice or manor of Ecclesfield was hereditary in the family of De Ecclesfield, though the monks of St. Wandrille had long tried to get possession of it. But they did not finally succeed until 1279, when they recovered the manor from Thomas de Ecclesfield, a great-grandson of the Ralph above mentioned.<sup>2</sup>

The law-books, following Coke, have told us that a grant of a manor, without adding other words, will carry the advowson. What they have not told us is that in the twelfth and thirteenth centuries the advowson and the manorial rights were identical.

There is a remarkable case in which claiming the advowson was equivalent to claiming the manor. In 1252 Robert Fleming, lord and parson of Polebrook, anciently Pokebroc, near Oundle, gave to the monks of Peterborough the *manor* of Polebrook.<sup>3</sup> In 1283 John de Weledon, the parson of this place, who seems to have been nominated by the monks of Peterborough, died. Whereupon two women, as next of kin of the same Robert Fleming, with their husbands, claimed the *advowson* of the church at Westminster. They said that one Hugh Fleming had presented his son and clerk the said Robert Fleming to the church of Polebrook, and that, inasmuch as the said Robert Fleming died childless, they, the two women, as lawful descendants of his sister, were entitled to the *advowson*. In defence the

<sup>1</sup> *Rotuli de Oblatis et Finibus*, 1835, pp. 118, 177, 342, 400.

<sup>2</sup> Eastwood's *Ecclesfield*, 1862, pp. 102-5, 144-5.

<sup>3</sup> "Robertus Fleming, dominus et persona de Pokebroc, dedit nobis manerium de Pokebroc cum omnibus pertinentiis."—*Chronicon Petroburgense*, p. 15.

abbot pleaded the charter of 1252, which declared that the said Robert Fleming granted to the monks of Peterborough "all the tenement which he had in the vill of Polebrook, with the advowson of the church of the same vill, as well in messuages, buildings, gardens, arable lands, meadows, common pastures, fisheries, and pastures, as in rents, services, customs, homages, fidelities, wards, reliefs, escheats, heriots, suits of villanage, together with the villans and their sequels and chattels, with every right which he had in the said tenement and the appurtenances thereof."<sup>1</sup> On this evidence judgment was given for the monastery.

But why, it may be asked, did not these women, or their predecessors, bring an action sooner, instead of waiting until the death of John de Weledon in 1283? The law was that when a stranger who had no right presented to a benefice, and the presentee was thereupon presented and instituted, the true patron was ousted and dispossessed, and lost his right of presenting for that turn. But subject to this usurpation he could recover the right of presentation at law. Thus if John de Weledon had been presented by the monastery, and duly instituted by the bishop, the two women could not have recovered the right of presentation until his death, or resignation. It is not, however, likely that they would have claimed the right of next presentation, and foregone their claim to the manor, and doubtless in suing for the *advowson* they were claiming all the property included in the charter of 1252.

What we now understand by the "advowson" of a church is the right of presenting an incumbent thereto, but in the twelfth and thirteenth centuries the word had a more comprehensive meaning. It meant the manorial rights and jurisdiction of the church. Thus before 1158 Ralph de Gaugy, with the consent of his heir, gave the church of Ellingham, in Northumberland, to the Priory of Durham, reserving the life interest of Gaufrid, parson of the same church. The donor stipulated that, on Gaufrid's death, the son of Ralph who was best qualified for the office should be presented and made parson, on condition that he paid

<sup>1</sup> *Op. cit.*, pp. 77-9.



to the priory five shillings a year. After the death of Ralph's son, the parson, the church was to belong to the priory, which should thenceforth have the *personatus*, or parsonage. But the donor and his heirs were to have the advowson of the church, just as other barons were accustomed to have the advowsons of other churches founded on their estates.<sup>1</sup> Not unfrequently the Late Latin *advocatio*, or *advocatia*, meant the superior lordship with the rights and emoluments annexed thereto. For instance, Du Cange quotes a German document of 1281 which speaks of "the advowson in Lehmen, taxes, services, jurisdiction, rents, and profits, and all rights belonging to the said advowson."<sup>2</sup> Mr. Bateson thinks it "is possible that Ralph de Gaugy retained the right to confirm the nomination of the prior and convent."<sup>3</sup> But we know from other sources that he reserved the manor, and that it passed to his descendants. The effect of De Gaugy's gift of the church and parsonage of Ellingham to the prior and convent was to sever them from the manor. It was not a severance of the *advowson* from the manor, for the word "advowson" then meant the manorial rights, which were retained by De Gaugy himself. The prior and convent had the glebe of the parsonage, and they in 1464 leased it to the vicar for 40s. a year.

In 1199 King John leased the superior manor (*dominicum manerium*) of Chesterton, near Cambridge, with its rents, homages, and customs, to the Prior and Convent of Barnwell for £30 a year, the advowson of the church, with all rents, homages, and other liberties belonging thereto being reserved. In 1217 the advowson was given by Henry III to the Abbot and Convent of Vercelli, in Italy, in pure and perpetual alms, with all its liberties, as the rector of the same church had formerly

<sup>1</sup> "Radulphus vero et heredes sui advocacionem habebunt ipsius ecclesiæ, sicut alii barones solent habere aliarum ecclesiarum, quæ in territoriis suis fundatæ sunt."—*Feodarium Prioratus Dunelm.* (Surtees Soc.), p. 100.

<sup>2</sup> "Advocatia in Lehmen, census, servitia, jurisdictio, redditus, et proventus et omnia jura ad dictam advocatiam spectantia."—Honthelm, *Hist. Trev.*, i. p. 635, in Du Cange.

<sup>3</sup> E. Bateson's *History of Northumberland*, 1895, ii. p. 268.

enjoyed them. The Abbot and Convent of Vercelli had fifty-five acres of land in demesne, and they held a court from three weeks to three weeks, as the rectors of the church had done before. The vicar of Chesterton had eighteen acres for which he paid six shillings to the rector. The rectory, with the patronage of the vicarage, was granted by Henry VI to King's Hall in Cambridge, and is now vested in the Master and Fellows of Trinity College; a manor is attached to the rectory.<sup>1</sup> In Domesday Book Chesterton is referred to as *dominica uilla regis*. Evidently the advowson of Chesterton was a sub-manor.

A manor is annexed to the rectory of Cherry Hinton, near Cambridge. The rectory was appropriated to the Master and Fellows of Peterhouse in 1395.<sup>2</sup>

Here is a late instance in which the grant of an advowson was equivalent to the grant of a manor. At the Reformation the church, advowson, and parsonage of South Tawton, in Devonshire, which had been appropriated to a monastery, were given to the Dean and Chapter of Windsor, who retained the property in their hands for more than a century, and leased it. At the beginning of the Commonwealth, however, an Act was passed "for the sale of the manors of rectories and glebe lands belonging to archbishops, bishops, deans, and deans of chapters." Among the sales effected by Cromwell's agents under this power in 1650 was that of "*the manor of the rectory and parsonage*" of South Tawton. It was sold to a layman for £374, the grant including certain portions of land, the court leet, the court baron, the goods of felons and fugitives, and many other usual appurtenances of a manor. Nothing is said about the parsonage, and "all churches, public chapels, churchyards, and grounds used for common burial-places" are excepted from the grant.<sup>3</sup> The parsonage of South Tawton, with the chapelry of South Zeal, is still in the gift of the Dean and Chapter of Windsor.

<sup>1</sup> *Rot. Hundr.*, ii. pp. 402, 406; Lysons's *Cambridgeshire*, p. 163.

<sup>2</sup> Lysons, *op. cit.*, p. 212.

<sup>3</sup> Ethel Lega-Weekes in *Transactions of the Devon Association*, xxxiii. pp. 399-468, xxxv. pp. 497-538.

The advowson of the church of Penistone, near Sheffield, was given in 1358 to St. Stephen's College, Westminster, when the college granted leases in the two adjoining parishes of Penistone and Burton. By one of these, dated 1546, or the year before the suppression of the college, they leased the two parsonages of Penistone and Burton, with all glebe lands, tithes, rents of copyholders and freeholders, and with the houses and barns on the sites of the parsonages, except the fines of copyholders, reliefs, issues, amerciaments, and profits of courts. The lands belonging to the rectory of Penistone, says Hunter, "constituted what was called a manor, and there was a court connected with it."<sup>1</sup> It will be seen that this is another instance in which the gift of an advowson was a gift of a manor.

Between 1153 and 1181, Hugh, Earl of Chester, granted the church of Prestbury, in Cheshire, with all its appurtenances, to St. Werburgh's Abbey at Chester. "The manor," says Mr. Earwaker, "seems to have been included with the church," and it remained a possession of the abbey till the dissolution of the monasteries in 1537. Prestbury is one of the largest, if not the largest parish in Cheshire, containing as it does thirty-two townships, and having a circumference of about forty miles. An undated document which, according to Mr. Earwaker, "was evidently drawn up anterior to the Reformation," gives the valuation of the benefice as follows :

*The Value of the Benefice of the Parsonage of Prestbury belonging to the Monastery of St. Werburgh of Chester*

	£	s.
<i>Imprimis.</i> The manor of Prestbury with the tenants to the said manor belonging, being of the yearly value of . . .	10	8
The Easter Roll, of the yearly value of . . .	20	0
The Tenth Corn, of the value of . . .	60	0
The Tenth Lamb and Wool . . .	30	0
The Tenth Calves . . .	7	0
Summa Totalis, £127, 8s., the mortuary excepted.		

The valuation is followed by a detailed account of the

<sup>1</sup> Hunter's *South Yorkshire*, ii. pp. 336-7.

income of the vicarage, which amounted altogether to £12, 16s. 8d. a year.<sup>1</sup>

There are many other instances in which the rectory was a manor, and held courts as such, and it need hardly be said that all manors are of earlier date than the statute *Quia Emptores*, passed in 1290.

The rectory of Writtle, in Essex, is a manor, and the court was kept at the parsonage in 1831.<sup>2</sup> The church with all its appurtenances was given to the monks of Bermondsey in 1143.<sup>3</sup> It was, however, taken away from them by King John, and given in 1203 to the hospital of the church of St. Mary in Saxia at Rome, to which it was confirmed by Edward III. It was afterwards seized by the Crown as the possession of an alien priory, and given to William of Wickham, who, in 1390, gave it to New College, Oxford, the present proprietors of the rectory and patrons of the vicarage.<sup>4</sup> The rectory manor is called the Manor of Romans Fee, and was doubtless so named from its having been the possession of the hospital in Rome.

In 1859 we read of "the manor, lordship, or rectory of Dewsbury" in Yorkshire. In the seventeenth century Sir John Saville was lord of this manor or rectory, for which courts were regularly kept. At the date of the Domesday Survey it belonged to the King, and there were then six villans and two bordars, with four ploughs, a priest, and a church.<sup>5</sup> Mr. S. J. Chadwick has carefully edited a document in his possession which contains an account of the receipts and payments of this manor for 1348-54.<sup>6</sup> This record is of surpassing interest, and from it the following balance-sheet has been prepared :

<sup>1</sup> Earwaker's *East Cheshire*, ii. pp. 180-2. The spelling of the valuation has been modernised.

<sup>2</sup> Wright's *History of Essex*, 1831-5, i. p. 173.

<sup>3</sup> "Dedit rex Stephanus monachis de Bermundeseye ecclesiam de Writel cum omnibus pertinentiis suis."—*Annales de Bermundeseya* (*Annales Monastici*), p. 437.

<sup>4</sup> *Monasticon*, v. p. 89.

<sup>5</sup> Greenwood's *Early Ecclesiastical History of Dewsbury*, 1859, pp. 116-21; Whitaker's *Loidis and Elmete*, p. 300.

<sup>6</sup> Dewsbury Account Rolls, in *Yorkshire Archaeological Journal*, xxi. (1912), pp. 352-92.



*Account of the Church of Dewsbury (Compotus Ecclesie de Dewsbury), 1348-9*

RECEIPTS

	£	s.	d.
Arrears . . . . .	1	5	7½
Rents of assize . . . . .	5	7	0
Rent of two mills . . . . .	5	3	4
Altarage . . . . .	14	10	10
Perquisites of court . . . . .	0	0	11
Sale of wheat and oats on 7 acres of demesne . . . . .	1	4	6
Sale of tithes of sheaves . . . . .	78	2	4
Mortuaries . . . . .	2	0	7
Wool sold . . . . .	7	11	3
Rent from pigeon-cote (in ruins) . . . . .	0	1	0
Tithe of lambs . . . . .	0	2	7
	£115	9	11½

PAYMENTS

	£	s.	d.
Expenses relating to church, including salaries of two chaplains . . . . .	8	7	8
Wheat bought for Easter oblations . . . . .	0	3	1½
Seed corn bought . . . . .	0	12	10
Repairs to buildings, &c. . . . .	0	17	10
Harrowing 7 acres for seed . . . . .	0	5	3
Expenses of pasturing lambs . . . . .	0	17	4½
Costs of appropriation to St. Stephen's College, Westminster . . . . .	7	11	10
Repairing hedges and expenses of holding court . . . . .	0	6	9
Salary of reeve ( <i>prepositus</i> ) for collecting rents . . . . .	0	2	0
Man guarding sheaves and hay in autumn . . . . .	0	1	6
Mowing and spreading meadows and getting hay in . . . . .	0	15	4
Expenses of getting tithe sheaves in . . . . .	8	2	11½
Balance, being net income . . . . .	87	5	5½
	£115	9	11½

Here we have a rectory, or manor, which is even described as *ecclesia*, just as a parish could have been called *ecclesia*. Like other manors it has rents of assize, mills for the use of the tenants, a court, demesne lands, mortuaries (death duties), and a pigeon-cote. But it has also the altarage of the church, and out of the income of the manor the small salaries of the chaplains are paid.

The demesne lands, perhaps *en bloc*, only contain 7 acres, but there is a rectory or manor-house, with a garden and orchard, and a little meadow land for hay. By far the greater part of the lord's income, as at Prestbury, is derived from tithe. Now it has been noticed that the arable demesne of a manor is often intermixed with the arable strips of the community. In the laws of Ethelred (A.D. 978-1016) every Christian man is directed to "pay to his lord his tithe rightly as the plough traverses the tenth acre."<sup>1</sup> The complicated acre strips of the community would have been far more complicated still had there been a further intermixture, not only of the strips of the lord's demesne, but also of tithe actually taken, not in the shape of every tenth sheaf, but in actual acres. Can it be that the lord's arable demesne and his tithe were identical?

Extracts, beginning in 1655, have been published "from the Court Rolls of the ancient manor of Portishead Rectory," in Somersetshire. The court is then described as "the Courte Baron of Nathaniell Warner, clarke, parson of Portishead."<sup>2</sup> The valuable rectory of Masham, near Ripon, was a manor, but in 1546 it became a lay fee. The parsons of Wigan held the manor of that place from an early period, probably before the Conquest. In 1519 the parson claimed the right to appoint the mayor.<sup>3</sup> The word "parson" is here loosely used for rector.

Halifax was a rectorial manor, but its court rolls, which are known to have existed within living memory, have disappeared. This church and its appurtenances were granted by the Earl of Warren to the Priory of Lewes in 1274, and their proctor held a court twice a year. Mr. Lister believes that the words *ecclesiam de Halifax cum suis pertinentiis* in the Earl's grant conveyed to the priory the

<sup>1</sup> See more on this subject in Seeborn's *English Village Community*, pp. 115-16. In Ireland a man called Enda is said to have offered to Patrick every ninth ridge of his land throughout Ireland.—*Tripartite Life of St. Patrick*, p. 81. For the intermixture of the lord's arable demesne with the strips of the peasantry, see Vinogradoff's *Villainage*, pp. 315-317.

<sup>2</sup> *Antiquary*, xlv., 1909, pp. 172-4.

<sup>3</sup> Bridgeman's *History of the Church and Manor of Wigan*, i. p. 2; *Pleadings in the Duchy Court of Lancaster*, ii. p. 251.

township and its tenants, both free and unfree.<sup>1</sup> If so, the grant must have conveyed the manor.

In 1819 the jurors of the royal manor of Hitchin found "that the manor comprises the township of Hitchin and the hamlet of Walsworth, in the parish of Hitchin, the lesser manors of the Rectory of Hitchin, of Moremead, otherwise Charlton, and of the Priory of Biggin, being comprehended within the boundaries of the said manor of Hitchin." The same jurors also found "that the rectors impropriate of the rectory of the parish of Hitchin or their lessees of the said rectory are bound to find a bull for the cows of the said township, and to go with the herd thereof, and that no other bull or bull calf may be turned on the commons." Mr. Seeböhm regards the manor of the rectory of Hitchin as a sub-manor.<sup>2</sup>

As late as the sixteenth century the glebe lands of divers rectories could not be distinguished from the lands of the manors with which they were let at one rent. Accordingly it was provided by an Act of Parliament passed in 1555 that apportionments should be made by juries of freeholders living in the counties in which such manors and rectories were situate. The juries were ordered "to divide and sever by sufficient metes and bounds the said glebe lands of the said rectories and other spiritual possessions from the other lands and possessions with the same letten, and to rate and apportion how much yearly rent shall be yearly paid for the said rectories and other spiritual possessions so letten, and how much yearly rent shall be paid for the said manors."<sup>3</sup>

It has long been usual to speak of the severance of advowsons from manors, and of advowsons appendant to manors. But it has been shown that "advowson" meant the manorial rights. What was severed from the manor was not the advowson, but the church and the *personatus*, or "parsonage." When the advowson itself was granted the manor passed, and in numerous places no severance was ever made.

<sup>1</sup> H. Ling Roth's *Yorkshire Coiners*, 1906, p. 119.

<sup>2</sup> Seeböhm's *English Village Community*, 1883, pp. 1, 443, 448.

<sup>3</sup> Rastall's *Statutes*, 1557, 184 b, 185 a.

We must bear in mind that certain land belonging to a manor, which eventually formed the endowment of a church, was in fact a portion of the land of that manor which had been assigned by an individual person, or by a monastery, in his or its capacity as lord or rector, for the maintenance of a vicar. Before 1181 the Canons of St. Paul's had assigned a *virgate* (thirty acres) for the maintenance of a vicar at Kensworth, and in 1222 it is expressly said to have been assigned to the vicar by the Chapter.<sup>1</sup> Occasionally also, as we shall see further on, freeholders or neighbours gave land to their parish church in soul-alms. In other cases land was provided from more than one source. Thus before 1181 the church of Tillingham, in Essex, had been endowed, apparently by the Dean and Chapter of St. Paul's, with twenty acres of arable land before its dedication, and ten more acres of arable land had been given to it by Hugh the Dean on its dedication. Besides this it had seven acres of wood, a messuage, and a marsh.<sup>2</sup>

Mr. Seebohm says that the Domesday Survey proves that, in a great number of cases at least, room had been made in the village community for the priest and his *virgate*.<sup>3</sup> And Sir Henry Ellis noticed that in the Survey priests are in many instances classed with the villans, serfs, and bordars.<sup>4</sup> Such priests as these, however, were vicars, not rectors, or even parsons. We shall refer to the difficult word "parson" in the next chapter.

Accordingly when it is said in a monastic survey that there is a church of so many acres in this or that manor, all that is meant is that the monastery had set apart, out of the manorial estate, a portion of land for the maintenance of a vicar, appointed from time to time by the monastery.

<sup>1</sup> "Ecclesia de Keneswrth. Una virgata sine servicio assignata est per capitulum vicario."—*Domesday of St. Paul's*, pp. 10, 147. Miss Lega-Weekes has shown that at South Tawton, already mentioned, the glebe lands in 1844 contained nearly 32 acres, and lay in widely separated situations, recalling the acre-strips of the open-field system.—*Trans. of the Devonshire Association*, xxxviii. pp. 515-6.

<sup>2</sup> *Domesday of St. Paul's*, p. 149.

<sup>3</sup> *The English Village Community*, p. 115.

<sup>4</sup> *Introduction to Domesday*, ii. p. 420.



## CHAPTER VII

### LORD AND PRIEST

IF the ecclesiastical benefice has been shown in numerous instances to have been identical with the manor, a presumption arises that originally lord and priest were one and the same person.

Ammianus Marcellinus, who was born in A.D. 330, and who served several campaigns in Gaul and Germany, says that the chief priest among the Burgundians was called *sinistus*. This word is the German "sinista," or "sinisto," the elder, the senior. The word priest, coming ultimately from the Greek *πρόεδρος*, had a similar meaning; it meant an elder, and also a noble, or prince. Gregory of Tours, born in France in A.D. 540, speaks of the priests or elders of the people (*sacerdotes vel seniores populi*). Now this word *senior*, as Jacob Grimm says, in all the Romance languages developed the sense of a temporal ruler or lord (seigneur, signor, senhor).<sup>1</sup> In an English gloss of the eleventh century the word *presbyteri*, priests, is explained as "recceras," rulers.<sup>2</sup>

In England when we find that the tribute called church-scot, and also the tithe, were paid in the tenth century to the lord, the identity of lord and priest becomes almost certain. For there is no evidence that these payments were made to the lord as a trustee for Christian uses. On the contrary there is evidence that he disposed of church-scot and tithe as he pleased. But, as Christianity advanced, the lord, who was potentially the arch-priest, began to depute his sacerdotal rights, with a part of the fruits of his benefice, to a mass-priest, only retaining

<sup>1</sup> Grimm's *Rechtsalterthümer*, 1854, pp. 267-8, where the references are given.

<sup>2</sup> Wright-Wülcker, 467, 5.

his judicial and military duties. Hence arose the distinction between priest and mass-priest, thane and mass-thane, of which we hear so much.

We may turn at once to the evidence afforded by the payment of church-scot. This was usually rendered in grain, and in 1240, on one of the manors of the Priory of Worcester, every *noka*, or half-virgate (fifteen acres), rendered two bushels.<sup>1</sup>

At Dyddanham, now Tidenham, in Gloucestershire, in A.D. 956, it was the duty of every villan (*gebúr*) to render the following service :<sup>2</sup>

He sceal erian healfne æcer tó  
wícworce, and ræcan sylf ðæt  
sæd on hláfordes berne gehálne  
tó cyrcscette, sá hweðere of his  
ágenum berne.

He shall plough half an acre  
as week-work, and himself bring  
the seed in good condition into  
*the lord's barn* as church-scot,  
or else from his own barn.

That *church-scot* should have been paid to the lord seems like a contradiction in terms ; but if it be admitted that lord and priest were originally identical the difficulty vanishes. Church-scot appears in the Inquisition of the Manors of Glastonbury Abbey, made in 1189, as a manorial due, "nor is there," says the editor of this document, "any allusion to its having been paid for purely church purposes."<sup>3</sup> According to the Customals of this abbey, extending from 1235 to 1252, church-scot was a fixed manorial due payable to the lord, and, says their editor, "not appearing to reach any further hand."<sup>4</sup>

This tribute was known in Old English as *ciric-sceat*, and the earliest known instance of the word is of the year 890. It was sometimes paid in hens, and, when that was the case, a married man paid twice as much as a bachelor.<sup>5</sup>

It could be used for secular purposes such as the reclamation of land. About the year 1180 Hugh, Bishop

<sup>1</sup> *Register of the Priory of Worcester*, p. lxxi ; see also Kemble's *Cod. Dipl.*, No. 498.

<sup>2</sup> Kemble, *Saxons in England*, 1849, ii. p. 562 ; *Cod. Dipl.*, Nos. 461, 511.

<sup>3</sup> *Inquisition of the Manors of Glastonbury Abbey* (Roxburghe Club), p. 162.

<sup>4</sup> *Rentalia et Custumaria* (Somerset Record Society), p. 259.

<sup>5</sup> "Dat ad cherisetum iiij gallinas si fuerit uxoratus, si non ij."—*Op. cit.*, p. 141.

of Durham, gave to the Hospital of St. Egidius the tithes of certain new lands (*novalia*), that is of the lands which before his time were not cultivated, and which by his money and by church-scot he had converted from marsh and bushy ground into arable land.<sup>1</sup>

In 1278 certain cottagers (*cotarii*) gave "church-scot, that is to say, twenty-four cocks and hens, to the lord of Iffley."<sup>2</sup> The lord of this manor, which is near Oxford, and has a very beautiful Norman church, was at that time Robert Fitznigel. Each of the villans of Lewknor, in the same county, who were holders of virgates (thirty acres) gave for church-scot a quarter of corn by the old measure, and at Wallington the villans gave six bushels of wheat.<sup>3</sup> It would seem that poultry was given by the lower orders of tenants, who had little corn of their own, and wheat by the villans. Archdeacon Hale suggested that by the thirteenth century the lords of manors had converted church-scot to their own use. But it had belonged to them, as we have seen, in the tenth century.

The church-scot of Corhampton, in Hampshire, was paid to the lord in 1295. According to Domesday Book the king received church-scot from Bensington and Headington, in Oxfordshire,<sup>4</sup> which were royal manors.

Since church-scot was paid to the lord it will not surprise us to learn that tithe was also paid to him.

In the Dooms of Cnut, who reigned from 1014 to 1035, there is a section about tithes belonging to a thane's church (*De decimis ad ecclesiam thani pertinentibus*). To give Thorpe's translation, it says: "If there be any thane who has a church on his 'bóc-land,' at which there is a burial-place, let him give the third part of his own tithe to his church. And if any one have a church at which there is no burial-place, let him do for his priest what he will from

<sup>1</sup> "Quas de paludibus et de fructectis in terram arabilem traximus per nummos nostros vel per Kirsete."—*Boldon Book* (Surtees Soc.), p. xlv.

<sup>2</sup> "Dabunt chirshat scilicet xxiiij gallos et gallinas domino de Istelee."—*Rot. Hundr.*, ii. pp. 711-12.

<sup>3</sup> *Rot. Hundr.*, ii. p. 782; *Domesday of St. Paul's*, ed. Hale, p. cxxiv, where other instances are given.

<sup>4</sup> Morgan's *England under the Normans*, p. 112.

the nine parts. And let every church-scot go to the old minster, according to every free hearth." <sup>1</sup> Jacob Grimm regarded "bóc-land" as the equivalent of the Latin *beneficium*, benefice. An ordinance of Edgar (A.D. 959-975) is to the same effect, but it states, in addition, that tithe was payable both from the demesne and the tributary land. <sup>2</sup>

We learn, then, that the thane was the lord or rector of the church; that he received the whole of the net tithe; and that, when his church had a burial-place, he was expected to pay a third of that net tithe to a stipendiary priest, or servant. There is no evidence that he was required to devote the remaining two-thirds, or, as the case might be, the whole to any ecclesiastical purpose.

There are here two points to which attention must be directed: What was "the old minster," and what is meant by "the nine parts"? The old minster was the mother church of a manor or parish which alone had rights of burial. If any dependent churches or chapels existed, they had no burial rights, and could only acquire such rights from the mother church. Thus in 1345 twenty-three residents of Taddington, in Derbyshire, in recognition of a grant of burial rights to their chapel, covenanted to maintain the cemetery and reserve all rights of the mother church of Bakewell. <sup>3</sup> In the same year twenty-four residents of Monyash, in the same county, in recognition of a grant of burial rights to their chapel, covenanted to pay a farthing to the same church for each corpse on the day of burial, and to present to the high altar at Bakewell every All Saints' Day twelve pence. <sup>4</sup>

Next, what is meant by "the nine parts"? According to a law of Ethelred (died 1014), a tenth was payable by the thane himself, <sup>5</sup> so that he had only nine-tenths to dispose of. We are not told to whom the payment of the thane's tenth was made. But in 1229 the Pope demanded that a tenth of the income of all English churches should be paid to him on account of his war with the Emperor.

<sup>1</sup> Thorpe, i. p. 367.    <sup>2</sup> *Op. cit.*, p. 263.    <sup>3</sup> Jeayes, *Derbyshire Charters*, No. 2298.

<sup>4</sup> *Op. cit.*, No. 1710.

<sup>5</sup> Thorpe, i. p. 337.



In 1253 Henry III purchased the tenths of all spiritual livings from the Pope for five years, and in 1266 the Pope ordered the tenths of such livings to be paid to the King for the next year. In 1273 the Pope granted to Edward I for one year the tenth of all ecclesiastical benefices. In the reign of Henry VIII these tenths were made payable to the King.<sup>1</sup> They seem to have long been a permanent charge on the thane, or rector's, income.

We get, then, the following results. (1) Tithe was paid to the thane at the mother church of a district, and not at dependent churches or chapels. (2) A tenth part of the gross amount received was paid by the thane himself to the Pope or to the Crown, so that he only received nine-tenths for his own use. (3) When the thane had a church on his benefice at which there was a burial-place he was instructed to pay one-third of his nine-tenths to a priest who was his servant. (4) When there was no burial-place attached to a church, the thane could pay as much of the tithe, or as little, as he pleased. (5) The tenth paid by the thane corresponds to the tenth paid by the later rector.

Mr. Seebohm has proved that "the Saxon manors, not only at the time of Edward the Confessor, as shown in the Domesday Survey, but long previously, were divided into the land of the lord's *demesne* and the land in *villengage*, though the Norman phraseology was not yet used. The lord of the manor was a *thane*." <sup>2</sup>

The chronicles often speak of the tithes of manors, or of *mansiones*, as in the Annals of Bermondsey in 1174 and 1185.<sup>3</sup>

The modern lay rector, as he is now called, pays tithe to his vicar, as the thane paid tithe to his priest. Thus the lord of the manor of Kingerby, Lincolnshire, who is owner of the great tithe and patron of the vicar, pays a considerable amount of tithe himself to the vicar. The church of Kingerby, with all its appurtenances, was given,

<sup>1</sup> *Cronicon Petroburgense*, p. 10; Stow's *Annales*, 1592, pp. 281, 293, 297.

<sup>2</sup> *The English Village Community*, 1883, p. 128.

<sup>3</sup> *Annales de Bermundseia* (*Annales Monastici*), pp. 444-6.

it will be remembered, to the Priory of Elsham in the twelfth century, and, on a fresh ordination of the vicarage in A.D. 1258, the vicar was to have the tithe of hay, a bovate of land, and ten shillings a year.<sup>1</sup> Thus the present lord has the rights and obligations which his predecessor the monastery had, except that he does not pay tenths.

In that part of the Anglo-Saxon laws which, at an unknown time, deals with the ranks or conditions of men we are told that "if a ceorl thrived, so that he had fully five hides of his own land, church and kitchen, bell-house and 'burh'-gate-seat and special duty in the king's hall, he was thenceforth worthy of the privilege of a thane."<sup>2</sup>

The right to have a bell-house and a "burh"-gate were manorial franchises or privileges. Thus about 1150, Henry, Duke of Normandy, afterwards Henry II, granted to Robert Fitz Harding the manor of Bitton, near Bristol, with a hundred librates of land, together with all liberties and customs, with toll and team, cause and suit, *belle and burgiet*, and power to imprison thieves.<sup>3</sup>

The church tower at Ashover, in Derbyshire, was known as the bell-house in the seventeenth century.

The fact that the thane here mentioned had "special duty in the king's hall" suggests that he was a king's thane.

We may compare the foregoing passage relating to the ranks or conditions of men with a passage in the North People's Law relating to the wergeld, or composition payable on the homicide of a ceorl who had thrived and acquired five hides of land. It says: "If a 'ceorlish' man prosper so that he have five hides of land for the king's defence (*utware*), and any one slay him, let him be paid for

<sup>1</sup> Copies of documents in the possession of Mr. J. J. Baldwin Young, lord of the manor.

<sup>2</sup> Thorpe, i. p. 190. Mr. Stevenson, followed by Mr. Seeborn, reads: "bell-hūs and burh-geat, setl and sunder-note on cynges healle," and Spelman translated: "a Gate-house, a seat, and a several office in the king's hall."—Ellis, *Introduction to Domesday*, i. p. 48. If we take "burh-geat-setl" as one word the meaning is "a seat" (right to sit) in a court held at the gate of the "burh." Probably the special duty in the king's hall was attendance at the ordeal which, as we saw in Chapter V., was held in a church, or king's "burh." For the persons bound to attend the ordeal, see the Laws of Edward the Confessor, sect. ix.

<sup>3</sup> "Cum tol et them et zoch et belle et burgiet et infankenethef."—Smyth's *Lives of the Berkeleys*, i. p. 22.

with three thousand 'trimes.' And though he prosper, so that he have a helm and coat of mail, and a sword ornamented with gold, yet if he have not that land he is nevertheless a ceorl. And if his son and his son's son so prosper that they have so much land; afterwards the offspring shall be of 'gesithcund' race, at two thousand ['trimes'].<sup>1</sup> The law here seems to contemplate an hereditary succession in an estate of five hides, the possessor of which would have the rank of a gesith, or king's officer. It appears, says Mr. Chadwick, "that permanent nobility of blood was attained after three generations, conditionally however on the possession of land during this period."<sup>2</sup> The gesith was the predecessor of the thane, and we shall refer to him as the owner of a church in a subsequent part of this chapter.

Mr. Chadwick remarks that "it is quite possible that 'five hides' may mean a small village."<sup>3</sup> In 1181 there was a church at a village called Fifhide, near Ongar, in Essex.<sup>4</sup>

Doubtless the "church and kitchen" of the ceorl who had thrived, with the bell-house, stood in a fortified enclosure. It will be noticed that the law says nothing about hall or house. Were the "church and kitchen" themselves the house? We know that some early houses consisted on the ground-floor of a *hall* and kitchen. Thus in the time of St. Alred, abbot of Rievaulx between 1147 and 1167, Bartholomew, Bishop of Exeter, slept one night in the solar of a house which adjoined the church and churchyard of a country village. His usual night-light going out, and the chamberlain finding no fire in the hall and kitchen (*aula et coquina*), obtained it at length in the last house in the village.<sup>5</sup> It is possible, therefore, that the thane's "church" may have been equivalent to his "hall," and we may compare Aidan's "church and chamber" at

<sup>1</sup> Thorpe, i. p. 189. "Trimes," Late Latin *tremissis*, was a coin of the value of threepence.

<sup>2</sup> *Studies on Anglo-Saxon Institutions*, 1905, p. 81.

<sup>3</sup> *Op. cit.*, p. 413.

<sup>4</sup> *Domesday of St. Paul's*, p. 150.

<sup>5</sup> *Nova Legenda Anglie*, i. p. 46.

Bamburgh, already discussed (p. 17, *supra*). The inner part of old Dutch farm-houses, which correspond in plan to that at Rendsburg (p. 49, *supra*), and resemble the nave and chancel of an aisleless church, is called the *keuken*, or kitchen, and contains the hearth.<sup>1</sup>

In ancient Ireland, as we have seen (p. 13, *supra*), the smaller or inner room of a dwelling was called the kitchen, and at first there was no difference in the nomenclature of dwellings and churches, the names of the larger and smaller room of which each building was composed being the same in both. The *Tripartite Life of St. Patrick* gives various accounts of the foundation by that saint of churches or monasteries. On one occasion we are told that he "measured the *Ferta* (mound), namely, seven score feet in the enclosure (*less*), and seven and twenty feet in the great house (*tech mór*), and seventeen feet in the kitchen (*cule*, cognate with the Latin *culina*), seven feet in the oratory (*aregal*); and in that wise it was that he used to found the cloisters (*congbala*) always."<sup>2</sup> Here the diameter of the enclosure was 140 feet. The "great house" corresponds to the nave of a church, and the kitchen to the chancel, the two apartments being evidently identical with Aidan's "church and chamber," as well as with the thane's "church and kitchen." We have already seen that in the Irish law-tract called *Crith Gabhlach*, ascribed to the seventh century, the house of the Brughfer, or local magistrate, was 27 feet in length, and his kitchen 17 feet.<sup>3</sup> Accordingly Patrick's monastery corresponds exactly, in the length of its two chief rooms, to the dwelling of the magistrate. But the monastery had another apartment—the *aregal*, or oratory, as the word has been translated. All three apartments of such a monastery are actually found in the remarkable building known as St. Kevin's

<sup>1</sup> See the plans in Rhamm, *op. cit.*, p. 38.

<sup>2</sup> *Tripartite Life of St. Patrick*, i. p. 237. Dr. Stokes thought that these buildings were circular, and that the measurements are their respective diameters. But elsewhere Patrick is said to have measured out a church with sixty of his feet, no breadth being given (*op. cit.*, i. p. 71). At that time a circular house twenty-seven feet in diameter would have been difficult to build. Windisch explains *airicul* as "a private apartment," and *congbáil* as "a habitation."

<sup>3</sup> *Ante*, p. 13.



Kitchen, otherwise St. Kevin's House, at Glendalough in Wicklow. The hall, or nave, of this building in external measurement is 29 feet 11 inches in length, and its walls are 3 feet 7 inches in thickness. In height it is, at present, 31 feet to the ridge of the roof, the side walls being 11 feet, and the roof 20 feet, in height. Internally the hall, which is vaulted, is 20 feet in height, and an upper apartment, extending from one end of the hall to the other, is 7 feet 6 inches in height. The upper apartment is lighted by two small oblong loops placed, one at the east, and the other at the west end. There was a room, now destroyed,

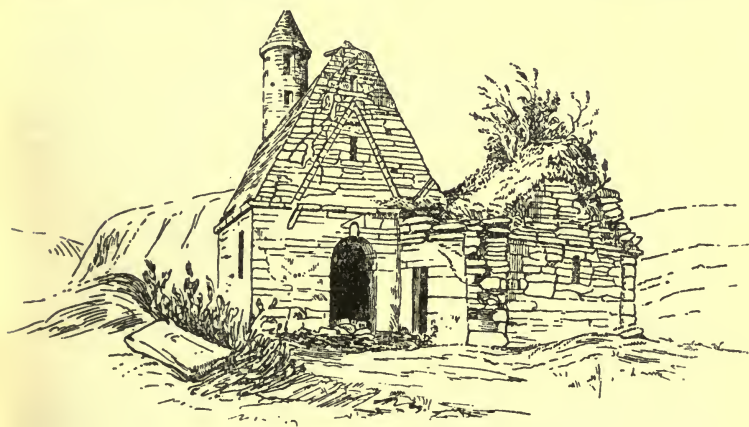


FIG. 31.—St. Kevin's Kitchen, Wicklow.

at the east end of the building, corresponding to a chancel, and this may have been known as the "kitchen." Internally it was 11 feet 3 inches in length, and its so-called chancel arch is 8 feet 10 inches in height to its vertex, and 5 feet 3 inches in width. Adjoining the north side of the last-mentioned room was a building which, without evidence, has been called the sacristy. It measures internally 10 feet in length, and seems to correspond to the *aregal* of Patrick's monastery. St. Kevin's Kitchen, as Petrie says, was an inhabited building. A drawing of the whole structure, as it appeared about 1845, is given in Fig. 31, where the "sacristy" is shown on the right. The two

smaller rooms were considered by Petrie to be of rather later date than the rest of the building, but he thought that "these additions were made not very long after the erection of the original building."<sup>1</sup> The Brugfer lived in a *brugh*, or burg, surrounded by a *dún*, or wall, and a ditch. According to the *Crith Gabhlach* he was entitled to an ever-living fire.

The following names of English and Irish bipartite buildings which occur in the present work will bring this question of "church and kitchen" into a focus :

c. 650	Tech ocus ircha (Ireland)	House and kitchen.
c. 651	Ecclesia et cubiculum .	Church and chamber.
871	Aula regalis et camera .	Royal hall and chamber.
c. 1000?	Cirice and cycene . .	Church and kitchen.
1056	Regia aula (et camera) .	Royal hall (and chamber).
1086	Aula et camera regis .	King's hall and chamber.
c. 1120	Aula et cubiculum .	Hall and chamber.
1141	Halla et camera . .	Hall and chamber.
1141	Aula et coquina . .	Hall and kitchen.
1203	Domus et thalamus .	House and chamber.
1242	Domus et coquina . .	House and kitchen.
c. 1300	Sale e cambre . .	Hall and chamber.
1380		Hall and bower.

The "hall and chamber" of 1141 was a manor-house, and the "house and kitchen" of 1242 was a vicar's house. The body or nave of a church was often called "aula," and we shall see further on that in 1275 the nave of a church in Cambridgeshire was called "ecclesia" to distinguish it from the chancel.

There is at least one very early building, standing near the north side of the chancel of a parish church of the twelfth century, which may have been a thane's residence. The "tiny church," as it has been called, at Bradford-on-Avon is only 38 feet long, a striking feature being the narrowness of its so-called chancel arch, which is

<sup>1</sup> Petrie's *Ecclesiastical Architecture of Ireland*, pp. 431-7; Fergusson's *History of Architecture*, 1893, ii. p. 449. Fergusson says that the building apparently belongs to the tenth century.

only 3 feet 5 inches wide.<sup>1</sup> For at least two centuries before 1858, when the building was "rescued from profanation," it had been used as a dwelling-house, and contained an intermediate floor and fire-place, "the chancel being recognised in what had been a two-storied cottage." How long it had been occupied as a dwelling before this time nobody knows. The upper part of the so-called chancel arch is a modern "restoration," and we do not know what the height or original appearance of

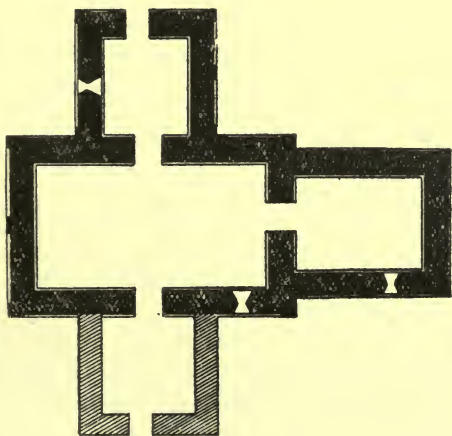


FIG. 32.—Plan of Building at Bradford-on-Avon.

the arch was. When we bear in mind that the building is nearly twice as high as it is broad, we may be pretty sure that it had an *original* intermediate floor. There is a large portico or adjunct on the north side of the hall or nave, and foundations of a similar adjunct on the south side have been discovered (see plan, Fig. 32). The earlier history of the building is unknown, and such evidence as we possess tends to show that it was an inhabited dwelling belonging to a time when the hall was passing into the church. In the twelfth century, William of Malmesbury

<sup>1</sup> The chancel arch at Adwick-on-Deerne, Yorkshire, is  $4\frac{1}{2}$  feet wide; the height to the spring of the arch is 5 feet 7 inches. It seems to be a mere doorway. Hussey (p. 303) says that the chancel arch at Westmeston, Sussex, is merely an opening, a if broken through the wall.

said that in his day there was an *ecclesiola* at Bradford which Aldhelm, Bishop of Sherborne (640?–709), made in honour of the most holy Laurentius. This was probably the building under consideration, but we do not know what meaning should be attached to the word *ecclesiola*.

A lease granted by the Canons of St. Paul's in 1141 includes "a good hall and chamber, a *trisant*, and an adjunct to the hall on the south, a privy near the chamber, and another in the court, a good barn, a kitchen, a hay-house, and a stable; four barrels, three tubs, a boiler over a stove, a bench, a buffet, and two tables."<sup>1</sup> It would perhaps be impossible to obtain a better or earlier description of a manor-house and its various outbuildings, and it will be noticed that, as regards the various rooms, the hall, chamber, and the adjunct on the south of the hall correspond very nearly to those in the building at Bradford-on-Avon. The kitchen, however, was a separate building.

We return once more to the thane himself. Though a man could qualify for the rank of thane by the acquisition of an estate, his actual elevation to the thaneship may have been at the discretion of the king. A ceorl may have bought an estate with a hall, or a church, upon it, or he may have erected either of those buildings thereon. There are numerous pre-Conquest charters which show that kings were accustomed to grant manors to their subjects, though the word "manor" itself had not yet come into use. It is quite possible that when a man is described in such a grant as a *minister*, thane, or king's thane, he received the rank or title by the charter itself. And when the king made a grant of an estate, in the tenth century for example, it by no means follows that it was a grant of the king's own property. The king may only have conferred a privilege

<sup>1</sup> "Recepit etiam bonam hallam et cameram, i. trisantam, et unum appenditum ad hallam versus sud', et i. privatam domum juxta cameram, et aliam in curia, et bonum granarium, et coquinam, et fenile, et stabulum, iiii. tonellos, et iii. cuppas, et plumbum super fornacem, et bancum, et bufetum, et ii. mensas."—*Domesday of St. Paul's*, p. 136. For the building at Bradford, see Rickman's *Gothic Architecture*; Baldwin Brown's *Arts in Early England*; Freeman's *English Towns and Districts*; *Journal of British Archaeological Association*, Dec. 1905. A *trisant*, or tresance, seems to have been a passage leading to a hall; see Way's *Promptorium Parvulorum*, p. 502.



and a jurisdiction, or, in other words, have *created* a manor.

We may give an example of a grant by a king to a thane. King Athelstan in 939 granted twelve *mansæ* at Meapham to his faithful *minister* Eadulf, to be held by him during his life, and after his death in perpetual hereditary. The property granted, including everything of right belonging thereto, fields, meadows, pastures, and woods, was to be free from all secular obligation (*ab omni mundiali obstaculo*) except the threefold burden of military service, repair of bridges, and repair of fortresses. A contemporary Old English endorsement on the grant tells us that the land was booked to Eadulf the king's thane (*þegne*).<sup>1</sup> The effect of the grant was to convey a manor with the village upon it, with seignorial rights and hereditary succession. *Mansæ* were homesteads to which a fixed quantity of land was attached. The threefold burden was known as the *trinoda necessitas*, and was incident to the estates of thanes whether holding in frankalmoign or not. Such a grant being a conveyance of a manor, would necessarily have included the church, if one existed. The great bulk of such documents, said Professor Earle, "imply royal grants of territory with perpetual and testamentary rights, and with the privileges of a superior tenure which establish lordship."<sup>2</sup>

The priest to whom the thane of Edgar's law was instructed to give a third part of his tithe was, as we have seen, the thane's deputy. A stipendiary priest continued to be the rector's deputy long afterwards. Among the Articles of Inquiry which in 1253 were made "in each and every diocese of the whole kingdom of England" were these: "Whether any rectors made a bargain with their annual priests (*cum sacerdotibus annuis*) that, besides the stipend received from the rector, they may receive annualia and tricennalia from others; and whether any parish priest has not sufficient maintenance from the rector."<sup>3</sup>

<sup>1</sup> Earle's *Land-Charters*, pp. 173-5. In Maitland's opinion the word *mansæ* was used to express the rateable extent of land, without much reference to the number or quality of its occupants.—*Domesday Book and Beyond*, p. 335.

<sup>2</sup> *Op. cit.*, p. xx.

<sup>3</sup> *Annales de Burton*, ed. Luard, p. 307.

Stipendiary priests paid by the rector are found in the sixteenth century,<sup>1</sup> and they still exist in the modern curate.

The thane who in the tenth century was the recipient of nine-tenths of the tithe, and was instructed to pay a third to "his priest" when there was a burial-place at the thane's church, was obviously the predecessor of the rector of the thirteenth century, who also received nine-tenths clear, and provided for his "annual priest."

Bishop Stubbs, however, said that "the name of thegn covers the whole class which appears after the Conquest under the name of knights with the same qualification in land and nearly the same obligations. It also carried so much of nobility as is implied in hereditary privilege."<sup>2</sup> We must admit that Bishop Stubbs's authority is of great weight, but nevertheless he does not support his opinion by evidence. He merely refers us to a passage in Domesday where the Berkshire thane is described as *miles regis dominicus*, king's chief soldier, and as rendering to the king on his death all his weapons, a horse with a saddle, and another without a saddle. But we shall presently have occasion to mention rectors who wore a military dress, and were summoned to battle as late as the fifteenth century. It is true that the thane was a soldier, and so was the Norse *gode*, or sacerdotal chief. But the thane was also a judge, a ruler, and potentially a priest. Elsewhere in the work just quoted Dr. Stubbs writes with less confidence. He says: "The growth of knighthood is a subject on which the greatest obscurity prevails; and the most probable explanation of its existence in England, the theory that it is a translation into Norman forms of the thegnage of the Anglo-Saxon law, can only be stated as probable."<sup>3</sup> But this explanation is certainly not probable, and in *Havelok the Dane*, written about 1280, the thane and the knight are

<sup>1</sup> Earwaker's *East Cheshire*, p. 202.

<sup>2</sup> *Const. Hist. of England*, 1883, i. p. 173; *Select Charters*, p. 87; *D. B.*, i. 56. Mr. Chadwick knows "no satisfactory modern equivalent" of the word.—*Op. cit.*, p. viii.

<sup>3</sup> *Op. cit.*, i. p. 260.

mentioned several times as distinct persons. Thus in one line we have :

“Dreng and thein, burgess and knith.”<sup>1</sup>

To turn to another point, we have to account for the existence in Great Britain of a class of hereditary priests. These can only have been thanes, or the successors of thanes. Thethane who had a “church and kitchen,” and who gave a third of his tithe to “*his* priest,” gave it to him as a servant or stipendiary. If a third of the tithe had been settled on the thane’s priest and his heirs we should have had in the same manor an hereditary thane who possessed the church and two-thirds of the net tithe, and an hereditary priest who had a third of that tithe. Since no such hereditary priest as this existed, it follows that the thane was the hereditary priest himself.

We need not, however, assume that the thane as hereditary priest was a priest in holy orders; on the contrary he was a priest in the older sense of the word, *i.e.* an elder, or ruler. The laws speak of the mass-thane, or altar-thane, and the world-thane, or secular thane; they provide that in every wapentake two *true* thanes and one mass-priest shall collect the Peter’s pence; and the frequency with which they are contrasted shows that these two ranks of men were intimately associated. The mass-priest said mass at the altar, and was the thane’s servant, whilst the secular thane received the tithe, and was lord of the church. In the heathen age the offices of priest and chief were united, but as Christianity advanced in power and influence they came to be more and more separated, and since the thane or the later rector was essentially a ruler or governor, and was often not in holy orders at all, or only nominally in orders, spiritual functions were deputed to another. This condition of things lasted to the end of the thirteenth century.

It is hardly necessary to prove that married and

<sup>1</sup> *Havelok the Dane*, I, 2466.

hereditary priests were very common in Great Britain and Ireland.<sup>1</sup> A few instances, however, may be given. Kemble finds in a charter of emancipation Ælfsige the priest and his son, and he mentions other similar instances in pre-Conquest times.<sup>2</sup> When Ramsay Abbey was founded in the tenth century a certain Gode, priest of Holywell, assigned to it "all the land which he held, together with his church, after his own day."<sup>3</sup> The priest's name is significant, for it may represent the Old Norse *gode* (two short syllables), sacerdotal chief. A little before 1086, Edmund the priest in Brandon, Suffolk, gave the land which he received with his wife, by her consent, to the monastery of Ely, in such a way that he could neither give it nor sell it. Moreover, he made a similar agreement with regard to Clopton.<sup>4</sup> The meaning is that, reserving a life interest to himself, and doubtless to his wife, he settled the reversion on the monastery. We are not told what the "land" either in this case, or in that of Gode of Holywell, was, but more than a century afterwards a man could hold a rectory in right of his wife, as the rector of Bockhampton did in 1238.<sup>5</sup> In 1189 Godfrid, rector of Longbridge Deverill, near Warminster, and his son are described as lineally descended from a race of priests. In 1254 the rector of this place claimed to have the assize of bread and ale, this being a manorial privilege.<sup>6</sup>

In 1221 Pope Honorius III wrote to the Archbishop of York complaining that certain clerks in that province had wives, and were in possession of benefices which their fathers had held before them, "as if the sanctuary of God could be possessed by hereditary right," such things being against the statutes of the General Council. The Pope also in the same year addressed a similar letter to the bishops of Lincoln and Worcester.<sup>7</sup>

<sup>1</sup> See, on this question, Cutts, *Parish Priests and their People*, pp. 258-78.

<sup>2</sup> *Saxons in England*, ii. p. 444.

<sup>3</sup> *Chronicon Abbatiae Ramseyensis*, i. p. 85.

<sup>4</sup> *Inquisitio Eliensis* (Hamilton), p. 152.

<sup>5</sup> *Annales de Theokesberie*, p. 109.

<sup>6</sup> "Gradatim descenderint de genere sacerdotum."—*Glastonbury Inquisition* (Roxburghe Club), p. 13; *Rot. Hundr.*, ii. p. 252.

<sup>7</sup> *Archbishop Gray's Register* (Surtees Soc.), p. 140.



In 1233 Dugald, the son of an earl, was a priest, and had been presented to the living of Kilpatrick, near Glasgow, by his father. We are told that he "pretended to hold the same in heritage until through conscience or fear he yielded up the lands of the church to the abbot of Paisley in open court."<sup>1</sup>

In the twelfth century Bakewell, in Derbyshire, was an hereditary benefice, or manor. In 1274 an inquiry was made about the rights and liberties taken away from the king. Twelve jurors of the High Peak said that King Henry, the elder, had given the church of Bakewell, with its chapels, to Levenet, his chancellor. From him it descended to Matthew, his eldest son, and so on from heir to heir from that time to the time of Henry III, when the church was appropriated to the Canons of Lichfield, by what authority the jury knew not.<sup>2</sup> Bakewell was a royal manor in the time of Edward the Confessor, and in 1086 it had two priests and a church. To the church belonged three carucates of land, two villans, and five bordars. No distinction can here be made between manor and benefice. This gift to the king's chancellor, who was a priest, should be compared with that made to Eadulf, the king's thane, in 939 (p. 165, *supra*).

The following document proves that a *minister*, or thane, could hold an hereditary ecclesiastical benefice, granted to him and his heirs by a king for the redemption of the king's soul, and therefore given in alms as to a priest. In a charter which purports to be of the year 743, Ethelbald, king of the Mercians, for the redemption of his soul, granted land of twenty hides, *that is ten and eight*, in the place which they call Aston and Notgrove, in Gloucestershire, to his very faithful *minister* Osred, a scion of the royal race of Hwiccia. The land was to be subject to ecclesiastical jurisdiction, and Osred might possess and *rule* it whilst he lived, and after his death might dispose of it to whomsoever he pleased. There is a proviso in the grant that the estate should be free for ever from the

<sup>1</sup> Innes, *Scotch Legal Antiquities*, p. 216.

<sup>2</sup> *Rot. Hundr.*, ii. p. 291.

contribution of taxes, works, and secular burdens, and that Osred should from the same estate render the dues of ecclesiastical service to God.<sup>1</sup>

It will be noticed that the twenty hides given to the thane by this charter were to be reckoned as eighteen, a tenth being deducted. The deduction seems to represent the tenth payable by the thane himself to the Crown.

Twenty hides reckoned as eighteen seem to be mentioned elsewhere. The old Norse poem *Rígmál*, which, along with many others, is believed by its editors to describe life in the British Isles, speaks of the "earl" (gentleman, or chief) who ruled over eighteen *búi*, or households. This poem, as Vigfusson and Powell say, deals with the status of three orders of men—thralls, yeomen, and gentlemen—and is the most graphic account of Northern mediæval society which has come down to us. It describes the "earl," or gentleman, as living in a hall with its doors turned to the south, where the lady has thin white loaves of wheat, this being the *panis dominicus* supplied to the mediæval English and Scotch lord by his tenants. The "earl" is a warrior who is advised to have and hold his udal-fields, or hereditary estate, and it is said that :

"Réð hann einn at þat átján búom."

He ruled alone over eighteen townships.<sup>2</sup>

Such is the translation given by the editors. We may be pretty sure that the eighteen *búi* of the poem correspond to the eighteen clear or net hides given to Osred. For a *búi* is a household, not a township in the modern sense, and *cassatum*, as Du Cange says, is a house with a certain

<sup>1</sup> "Terram xx. cassatorum, id est x. et viii. in loco quem dicunt æt Eastune et ad Natangræfan ministro meo ualde fideli, qui est de stirpe non ignobili prosapia regali gentis huiciorum, Osredo, in possessionem iuris ecclesiastici, pro redemptione animæ meæ, largiens concedo; quatinus eo uiuente possideat et regat, et post se cuicumque uoluerit hominum possidendum, liberum arbitrium habens, derelinquat; et ut ab omni tributo uectigalium operum onerumque sæcularium sit libera in perpetuum, pro mercede æternæ retributionis decernens statuo; tantum ut deo omnipotenti ex eodem agello æcclesiasticæ seruitutis famulatum impendat."—Earle's *Land-Charters*, p. 40.

<sup>2</sup> *Corpus Poeticum Boreale*, i. p. 241.

portion of land on which a family could dwell. Apparently the "earl," who represents a class of persons, had twenty hides which were counted as eighteen because the land was subject to a permanent charge of a tenth. The word "hide" in the Latin text of Bede, and elsewhere, is expressed by *familia*, household. The poem was written between A.D. 800 and 1100.

The position of the thane, whether he was actual or potential priest, was essentially that of a military leader, ruler, and judge, and in Anglo-Saxon charters he is classed with, and ranks next after, bishops and aldermen. The word alderman (*aldormann* or *ealdorman*) was used in a general sense, as Sir James Murray notices, to translate such Latin words as *pontifex*, high priest, or *presbyter*, priest.<sup>1</sup> Hence the division into bishops, aldermen, and thanes may have been perfectly logical; they may all have belonged to a priestly as well as a governing class.

A charter of King Ethelred, dated 1022, is subscribed by a number of persons who bear the title of *satrapa regis*, king's governor, or thane, and these follow the *duces* or aldermen, in order.<sup>2</sup> The word *rector* had, as Du Cange shows, in mediæval times, the meaning of governor of a province, or of a town. Anglo-Saxon charters are often executed by persons whose names appear in the following order: king, archbishops, bishops, aldermen, and thanes. Thus a charter, dated 957, of King Eadwig to Archbishop Oda of Canterbury is executed by the king, the archbishop himself, eleven bishops, six aldermen, and eighteen thanes (*ministri*).<sup>3</sup>

In such charters bishops sometimes call themselves *ministri*, using no other title, except that the word *humilis* (humble) generally follows *minister*.

The term "king's thane" is sometimes used in such a way as to include bishops. Thus in the Anglo-Saxon Chronicle, under the year 897, we are told of a disease which caused the death of many of the most eminent king's

<sup>1</sup> *Oxford English Dictionary*, s.v. "alderman."

<sup>2</sup> *Codex Dipl.*, iv. 15; *Crawford Charters*, pp. 150-1.

<sup>3</sup> *Crawford Charters*, pp. 10-11.

thanes in the land. Among these were the bishops of Rochester and Dorchester. If bishops were king's thanes, other king's thanes who were not bishops may have been priests. Mr. Chadwick says it is quite possible that some of the men who describe themselves as *ministri* in charters were ecclesiastics.<sup>1</sup>

In one place Domesday Book mentions "a priest and three other thanes,"<sup>2</sup> showing that priests in the eleventh century were regarded as thanes. Moreover, the early provosts of Hexham were thanes.<sup>3</sup> It is impossible to distinguish the king's priest mentioned in Domesday from the king's thane. We are told of the church of Carhampton, in Somersetshire, that "the king has a priest there." This cannot mean, as Dr. Hunt suggests,<sup>4</sup> that the church had no beneficed clergyman at the time of the Survey. It means that the priest was the king's thane. At Writtle, where, as we saw in the last chapter, the rectory is still a manor, it is recorded that King Harold gave a hide of land to a certain priest of his, but the Hundred did not know whether he had given it freely or in alms.<sup>5</sup> Osbertus Masculus, as we have seen, held the church and manor of Blythborough as an eleemosynary gift of the king. The royal grant to Eadulf the king's thane in 939 is not, as we have seen, expressed to have been made in alms. If the difference between the priest who held in alms and the priest who held freely was so slight that the neighbours of Writtle did not know whether such a man held in one way or the other, there was not much difference between the thane who held in alms and the thane who held freely. The priest who held in alms prayed for the donor when he pleased.

Before the thane becomes prominent in history there was an order of men, who were usually king's officers,

<sup>1</sup> H. M. Chadwick, *op. cit.*, pp. 311, 317.

<sup>2</sup> "Vlgar presbyter et alii iiii. teini tenuerunt pro iiii. maneriis, et liberi erant."—*D. B.*, i. 266 b.

<sup>3</sup> Leland's *Collectanea*, ed. 1774, i. p. 378.

<sup>4</sup> *Bath and Wells* (Diocesan Histories), p. 32.

<sup>5</sup> "Unam hidam dedit Harold cuidam presbytero suo sed hundred nescit si dederit libere vel in elemosina."—*D. B.*, i. 5.



called gesiths. Little is known of them, but they seem to have resembled thanes, and the term, as Professor Earle said, fades away as that of thane comes into prominence. In one instance a gesith was the owner, if not the priest, of a church. When Bishop John was asked to dedicate the church of Addi, gesith of North Burton, near Beverley, it was a gesith's church which he dedicated (*ecclesiam comitis vocabulo Addi*).<sup>1</sup> If any other man had been priest at North Burton it is fair to suppose that Bede, in describing the dedication of a church and a miracle wrought by the bishop thereafter, would have mentioned him. Professor Earle wrote thus of the gesiths: "The bearings and influence of such an order extended upwards and downwards. To them the people looked up as to their natural leaders, through them opened the vista from the plough to the throne, and the sense of national unity was cultivated or sustained. Much of the spirit of this office has in later centuries passed into the hands of the parochial clergy . . . who for some purposes now are the genuine representatives of the early gesiths."<sup>2</sup> This illuminating passage comes very near the truth.

At a much later period it sometimes happened that a monastery leased a manor, including the church thereon, to a man who, as lessee, received the tithes and other profits for his life, and was also the priest, or potential priest.

In the first half of the twelfth century certain manors of the Canons of St. Paul's, including the churches on those manors, were farmed by lessees for life. But in 1181 an inquiry was made into the state of their churches, and the canons were advised to ordain that in future nobody, whether a canon or a stranger, should farm both a manor and a church at the same time. "Lest official duties," they were told, "should be confounded by indiscriminate acts, *let there be always in the same vill a distinction of*

<sup>1</sup> Bede, *Hist. Eccl.*, v. c. 5. In the Anglo-Saxon version *comes* is translated by *gesith*. For North Burton see *Monasticon*, ii. p. 127, where it is said that Addi gave his church to Beverley.

<sup>2</sup> *Land-Charters*, pp. lv, lxxii.

*persons; one to preside in temporal matters, another to act as a subordinate in spiritual matters; one to pay tithes, another to receive them. Let there be appointed in the churches, according to the discretion of the Chapter, a vicar, who, if the means of the church are sufficient, shall be content with the altarge whilst he serves at the altar; if they are not sufficient let the chaplain (vicar) have some decent provision out of the tithes."* All other profits of the church, as well as the greater tithes, were to be reserved to the canons, or let to the chaplains (vicars) at an annual rent.<sup>1</sup> The "one to pay tithes" was the lord or rector, who was to give, if necessary, some of the lesser tithes to a vicar. This was virtually a re-enactment of Edgar's law already quoted (p. 156, *supra*).

The Inquiry, or Inquisition, of 1181 records the names of all the lessees of the manors of the Canons of St. Paul's at that period. Four of these are known to have been canons of the cathedral, but whether the other lessees were canons does not appear. In 1315, however, all the manors were held to farm by the canons,<sup>2</sup> and the appointment of vicars now rested with the Chapter, an entire severance of temporal and spiritual matters having been effected.

How the Canons of St. Paul's had dealt with their manors and the churches on those manors at an earlier time may be seen in a lease<sup>3</sup> made in 1152, or twenty-nine years before the document just referred to. By that lease they granted the manor of Kensworth to Humfrey Bucvinte for life. He was to pay £5 the first year, £6 the next year, and so on up to £10, which was to be the annual rent for the rest of the term. He was to deal reasonably with the tenants of the manor, and protect them. At the expiration of the term he was to give up certain farming stock, including oxen, sheep, and sown crops. The lease goes on to say that the church was delivered to the lessee free from

<sup>1</sup> "Ne promiscuis actibus rerum turbentur officia, sit semper in eadem villa distinctio personarum; sit alter qui temporalibus presit, sit alter qui spiritualia subministret; sit alius qui decimas solvat, alius qui recipiat."—*Domesday of St. Paul's*, p. 146.

<sup>2</sup> *Op. cit.*, pp. xli, xlii.

<sup>3</sup> *Domesday of St. Paul's*, p. 128.

any parson, and in that condition it was to be given up with the manor at the expiration of the term.<sup>1</sup> The lessee had also, at the expiration of the term, to give up the hall of the manor, its rooms and outbuildings being carefully described. He was sworn on the Gospels to fidelity, and five persons became sureties for his observance of the covenants. Bucvinte's duty being to treat the tenants of the manor reasonably, it is clear that he exercised the rights and privileges of the lord, being lessee of those rights. In this lease of 1152 we see the oneness of the lord and priest, for the lessee stands in the shoes of both. In 1181 the canons had assigned a virgate of land to the church for the maintenance of a vicar.<sup>2</sup>

By an undated lease of the twelfth century the same canons granted their manor of Wickham, in Essex, to Robert son of Ailwin the priest (*sacerdotis*) for life and during good behaviour, at specified rents. There were three barns on the estate containing specified quantities of corn, and certain farming stock, which Ailwin the priest was to give up, the document being, as Archdeacon Hale says, "upon the face of it a transfer of the lease from the father to the son." Though the barns are described fully, nothing is said about the house. For sureties the lessee nominated Ailwin, his father; his three brothers, William, Ranulf, and Henry; his uncle Ailwin, and five other persons.<sup>3</sup> Here it will be seen that Ailwin, the former lessee, was a priest, and had held both the manor and the church.

There were married English priests in the eighth century who were not in holy orders. Bede speaks of "clerks not in holy orders" (*clerici extra sacros ordines*), and they in the Anglo-Saxon version are described as "preostas," priests.<sup>4</sup> They were doubtless hereditary priests, for we

<sup>1</sup> "Tradiderunt ei canonici liberam ecclesiam ab omni persona, et ita liberam eam cum manerio reddet." The canons warranted that the living was vacant, this being equivalent to the modern covenant for quiet enjoyment. The lessee was not to sublet beyond the term of his own life.

<sup>2</sup> *Op. cit.*, pp. 10, 147.

<sup>3</sup> *Op. cit.*, pp. xc, 122.

<sup>4</sup> *H. E.*, i. c. 7.

must remember that it was not until the twelfth century that the marriage of priests was declared to be invalid.

Centuries after Bede's time "clerks not in holy orders" were often rectors of churches. Thus William de Saham, one of the Justices of the King's Bench, a sub-deacon, was rector of Kirkby Wiske, in Yorkshire, and also of certain benefices in the dioceses of York and Winchester. For holding these livings he had not obtained papal dispensation, but on his own petition this was granted in 1291, in consideration that he was aged, and had spent all his life in the king's service. He was, however, to be ordained priest, and to give a portion of the fruits to the churches of Kirkby Wiske and King's Clere, which he then held.<sup>1</sup> In the thirteenth century it was usual for benefices to be held by sub-deacons, so that rectors were only nominally in orders. They could neither celebrate mass nor administer the sacraments.<sup>2</sup>

By far the greater number of rectors instituted by the bishop of the large diocese of Lincoln in the first half of the thirteenth century were sub-deacons. Here and there a rector is described as deacon, chaplain, master (*magister*), or clerk, and sometimes no description is given at all. But in no case is he described as *presbyter*, *sacerdos*, or priest. We may give one example. In 1239 Sir Gerard de Furnival, the patron of Chipping Warden, in Northamptonshire, appointed Robert de Cressunassard, sub-deacon, as rector (or parson), and immediately thereupon the patron and the rector joined in appointing a perpetual vicar, who was duly instituted by the bishop. The vicar's income was to consist of the whole altarage of the church, four quarters of corn from the parson's barn yearly, fourteen pence yearly of the rent of the church called church-scot, three marks of yearly rent from the parson's men in the town, to be received from the rector or his agent, and two marks from the rector's chamber yearly.<sup>3</sup> The rectors thus

<sup>1</sup> McCall's *Richmondshire Churches*, 1910, p. 73.

<sup>2</sup> Denton's *England in the Fifteenth Century*, p. 22.

<sup>3</sup> *Rotuli Roberti Grosseteste* (Canterbury and York Society), *passim*, and pp. 195,



appointed were properly sub-rectors, for strictly the lord was himself the rector.

Dr. H. Schaefer says that the word *persona*, or parson, was primarily applied to the holder of a parochial living who was non-resident (as was possibly the case at Chipping Warden), being either a conventual body, a chapter, or member of one, or often a mere layman, the spiritual duties in either case being discharged by a *vicarius*, or substitute, who received a small portion of the revenues. He refers the designation to the fact that the holder of the living merely figured in the character or rôle of parish clergyman, without actually discharging the duties.<sup>1</sup>

It will be noticed that the vicar of Chipping Warden had only a portion, probably a small portion, of the income of the benefice, the rest being received by a parson, who was only nominally in orders. Probably, however, the lord of Chipping Warden and the parson divided the profits of the benefice between them, the parson taking a lease for life, and paying a fixed rent to the lord. If such leases could be granted by the Canons of St. Paul's to a much later period than this, there was no reason why the lord of Chipping Warden should not have granted a lease to Robert Cressunassard. It can hardly be supposed that a conventual body, like the Dean and Chapter of St. Paul's, would enjoy the greater part of the profits of a benefice, and that an individual lord would forego such profits. "The numerous instances," said Archdeacon Hale, "which occur in the Exchequer Domesday, of churches, and even parts of churches, valued with the manors, especially in the county of Norfolk, seem to indicate that the revenues of the church, as well as the right of presentation, were in some manner divided to the advantage of the lords."<sup>2</sup> A complaint made by Hugh, Bishop of Lincoln, who lived from 1135 to 1200, says that "churches are committed to the government of unworthy persons, and let to farm as if they were

<sup>1</sup> *Pfarrkirche und Stift im Deutschen Mittelalter*, 1903, sect. 29, in *O.E.D.*, s.v. parson.

<sup>2</sup> *Domesday of St. Paul's*, p. xlv.

landed estates, and hired at an annual rent for a disgraceful profit.”<sup>1</sup>

We have seen that at Ecclesfield in 1200, and at Polebrook in 1252, the lord was the parson himself, his designation being “lord and parson.” We have also seen that, at this period, parsons were not in holy orders, but in nominal orders, or, in other words, were sub-deacons. Hence the lords of Ecclesfield and Polebrook resembled those old Norse *godes* who, especially in the twelfth century, used to take the lesser orders from political reasons, in order to resist the Romish clergy, who claimed the right of forbidding laymen to be lords of churches: thus the great chief Jón Loptsson was a sub-deacon.<sup>2</sup> The *gode* was both chief and priest (in the heathen sense), and his counterpart in England was the lord and parson. Such a man, by becoming a sub-deacon, in the eyes of the Romish clergy, *personated* the character of a Christian priest. He remained lord of the church and manor, received the tithe and other emoluments, and appointed a mass-priest, or an “annual priest.” But in many cases, as at Chipping Warden in 1239, the lord of the church did not even become a sub-deacon; he appointed a sub-deacon as parson, dividing the profits with him, and these two nominated a deputy to perform spiritual duties. In a word, the English manorial lord, even in the thirteenth century, was essentially a *gode*—a chief, and, in the old sense of the word, a priest, who remained lord of his church without taking holy orders.

In the great changes which took place at the Norman Conquest it often happened that numerous manors, with their churches and tithes, passed into the hands of some great baron, who possibly never even saw half of them. Moreover, the practice became very frequent of assigning manors and churches to monasteries, for the salvation of the donor’s soul, with some reservation for the use of a vicar. That these manors, churches, and tithes were estates of inheritance is shown by the fact that when such

<sup>1</sup> *Nova Legenda Anglie*, ii. p. 46.

<sup>2</sup> Cleasby and Vigfusson, *Icelandic-Eng. Dict.*, p. 208.

a gift was made the wife of the donor was joined in the conveyance in order to release the right of dower which she would otherwise have had. But there were other benefices which did not become the property of these pluralists, as they may be called. These, for a time, passed on from father to child, as before the Conquest, and some remained in the gift of the Crown. Three instances of the disposal of manors and tithes by Norman lords may be given.

About the year 1076 Robert de Belvedeir, otherwise called Robert de Todenei, began to build a church near his castle of Belvoir, in Leicestershire, and, with the consent of his wife, gave it to the monastery of St. Alban's, upon condition that the abbot of that place should finish it, and put four monks therein. Among other things he also gave for the endowment of a priory at Belvoir the tithes of ten towns, which are named, with one man in each, together with a garden and one oxgang of land.<sup>1</sup>

In 1088 Roger of Builly and Muriel his wife gave to the Priory of Blythe "the church of Blythe and the whole manor absolutely (*totam villam integre*), with all its appurtenances and customs, as the men of the same manor have been wont to perform them, namely, to plough, carry, reap, make hay, give merchet, and make the mill pond," with other specified manorial rights. He also gave them in Appleby two-thirds of *the tithe of the hall*, in arable lands, and in new clearings, and in all small tithes.<sup>2</sup> He gave them the same in Laughton-en-le-Morthen, Clifford, Saltby, Garthorpe, Berscaldeby (Bescaby?), Bridgeford, Ludham, and Gunthorpe, the tithe of one plough in Clipstone, and two-thirds of the tithe of Cracheston. The expression "tithe of the hall," otherwise known as the tithe of the demesne, is often contrasted with the tithe of the rustics or villans.<sup>3</sup> When the demesne was leased to tenants,

<sup>1</sup> *Monasticon*, iii. pp. 284-9. In another case the rustic who collected the tithe had a virgate of land for his services.—*Op. cit.*, iv. p. 111.

<sup>2</sup> "In Appelbeya duæ partes decimæ aulæ, in terris, et in assartis, et in omnibus minutis decimis."—*Monasticon*, iv. pp. 620, 623.

<sup>3</sup> "In Langcherchilla de dominicatu duas partes decimæ. . . . Villam quæ vocatur Edmetona cum tota decima de dominicatu et duabus partibus decimæ rusticorum."—*Op. cit.*, ii. p. 147. For the tithe of the villans, see *Domesday of St. Paul's* pp. 145-52.

as it often was, it seems to have become subject to the payment of tithe. The "tithe of the hall" seems to have been tithe arising from blocks of the lord's land which the tenants had brought into cultivation (see p. 155).

In the time of Henry I, Robert de Haye founded the church of Boxgrove, and gave it to the abbey of Essay in Normandy, having placed in it three monks. Besides the church of Boxgrove, he gave to the monks of Essay two hides and a half of land which lay round about it, all the tithe of the parish, the tithe of his rents in the parish at Christmas, and the tithe of his wood for mast and sale. He also gave them eight churches, with the glebes and tithes belonging to them, and likewise that measure of wheat called *cherchet* (church-scot) out of all his manors.<sup>1</sup> Here again church-scot belonged to the lord.

Dr. Hatch has noticed that in early enactments about the ecclesiastical head of a parish "the sacerdotal idea is almost always in the background. He is not so much the 'sacerdos' as the 'rector'; he is said 'plebi præesse'; he is sent—not to administer the sacraments, but 'ad regendum'; so also when a parish presbyter resigns his office he is said 'ab ordine et titulo et regimine plebis se exuere.'"<sup>2</sup>

The head of an English village was the agent and advocate of his people in the higher courts. Just as in Iceland the liegemen had to follow the *gode* to the Thing, or great assembly, so in England the priest went with the reeve and six villans to the Hundred Moot, or Court of the Hundred.<sup>3</sup> His office was called an advowson, a word which, coming from the Latin *advocatio*, meant originally "the advocacy," or the obligation to defend the rights of the parish and be its advocate, but afterwards meant the emoluments of the advocate. The priest is also described in Anglo-Saxon documents as "*þingere*," advocate, or "*ciric-þingere*," church-advocate. This obligation of the English priest to defend his people in the courts

<sup>1</sup> *Monasticon*, iv. p. 641.

<sup>2</sup> Smith and Chetham's *Dictionary of Christian Antiquities*, art. "Parish."

<sup>3</sup> *Inquisitio Eliensis* in Round's *Feudal England*, 1895, pp. 118, 120.



corresponds with the duties of the Icelandic *gode*, who was bound by virtue of his position to assert for himself and his liegemen what he understood to be law and right at the various law-courts, local and general.<sup>1</sup> But exemption was sometimes obtained. Thus in A.D. 1205 the rector of Meauton gave a palfrey to the king so that all the tenants of his church should be exempt for ever from attending the County Court or the Hundred Court.<sup>2</sup>

The "advocate" of a church was a prefect or magistrate, and not a mere protector of ecclesiastical interests. He may be identical with the "foged," or "foude" (*vocatus*) of Orkney and Shetland—a prefect who presided over all the Tings of a parish, assisted by "the best men." The word occurs in Swedish as "fogde," or "fogat," with the same meaning. It is also found in Old Frisian as "fogid," meaning a magistrate who was the king's representative, or deputy. The word also occurs under various forms in Old High German, and in Old Norse as "fógeti."

Another point of resemblance between the English priest and the Icelandic *gode* may be mentioned. The liegemen of the *gode* had to follow him to battle whenever he found it expedient to make his power felt as a military leader.<sup>3</sup> As late as the fifteenth century the English king wrote to the Archbishop of York to warn his clergy to be in defensible array at Newcastle to assist him in battle against the Scots.<sup>4</sup> In the previous century Langland, in his *Piers Plowman*, has told us of priests who hung bucklers, swords, and other weapons about their necks. The Bayeux "Tapestry" represents Bishop Odo at the battle of Hastings on horseback, clad in full armour, with his mace in his hand, and with a spur on his foot, rallying the young troops. According to the Law of Northumbrian Priests, written in Anglo-Saxon, the priest who came with weapons into a church was bound to make atonement.<sup>5</sup> Rectors

<sup>1</sup> *Saga Library* (Morris and Magnússon), i. p. xxix.

<sup>2</sup> *Rotuli de Oblatis, &c.*, ed. Hardy, 1835, p. 270.

<sup>3</sup> *Saga of Hen Thorir*.

<sup>4</sup> Raine's *Priory of Hexham*, i. p. cviii

<sup>5</sup> Thorpe, ii. p. 296.

of English churches not only wore swords, but they dressed in the brightest and most extravagant costumes. They were clad in a military rather than a civil dress, with rings on their fingers, and belts studded with precious stones. They wore boots of red and green peaked and cut in many ways, and had horns hanging from their necks. A manuscript of the fourteenth century has a picture of an archdeacon lecturing a group of clergymen on their secular habits and weapons. They are represented in blue tunic and red hose, with swords hanging from their belts.<sup>1</sup>

Professor Earle believed that each of the original English settlements was under a military leader, and that he was lord of the manor.<sup>2</sup> If it seems strange to us that a military leader should have been a priest, we must think of the Norse *gode* who enforced his secular authority at the point of the sword.

<sup>1</sup> E. L. Cutts, *Parish Priests and their People*, pp. xvi., 165-6, referring to Lyndewode's *Provinciale*.

<sup>2</sup> *Land-Charters*, p. lv.

## CHAPTER VIII

### COURTS HELD IN CHURCHES

WE have seen that the gift of a church to an individual, or to a monastery, was often accompanied by a grant of sake and soke, the former being the right to hold a court for one's tenants, and the latter, in Maitland's opinion, "the right to fines and profits arising from such a court."

This union in the same grant of the church and the right to hold a court appears to show that the church was the seat of justice. When Henry I, as we have seen, granted four churches of four manors to his chaplain, together with sake and soke for each, it will have been noticed that no hall or manor-house is mentioned (p. 142, *supra*). The manorial rights were then associated, not with the hall, but with the church, and we shall presently have occasion to notice a passage in Domesday where the holding of a manorial court in the lord's hall is regarded as unusual.

The manorial court may, or may not, have been the ultimate development of the family council which the lord and *paterfamilias* held in his own house over his kinsmen and dependents. It may have arisen from this patrimonial justice, or from the extension of the dominion and jurisdiction which the father of a family exercised over his domestics to the whole tribe, clan, or community. Even when manorial rights were the gift of the sovereign, the gift may only have been a confirmation or extension of the customary rights acquired by a prosperous family.

We know that manorial courts were commonly held in churches from the thirteenth century, if not earlier. And since the church was a development of the hall, it might be suggested, with some plausibility, that the court which

was held in the later or modified building was also held in the earlier. That patrimonial justice was administered in the lord's hall is as certain as the fact that, among the Aryan races, "the House Father was the special head of his religious worship."<sup>1</sup> But we cannot be sure that the manorial court arose from the domestic tribunal, and we know that it often sat in the open air.

So far as is known, the only kind of public trial held in English churches before the Norman Conquest was the ordeal, and the manner of holding it there is described in a law of Athelstan, to which we shall refer presently. According to the later law of Ethelred, every ordeal was to be held in the king's "burh."<sup>2</sup> But in a chapter of the laws ascribed to Edward the Confessor we are told of churches in which the king's justice (*i.e.* the ordeal) was.<sup>3</sup> "The king's justice" was not in every church, but only in those which were specially authorised.

In the twelfth century we begin to hear of manorial courts held in churches. Thus on Sunday the 18th of January, 1181, an inquisition or manorial court for the manor of Eadwulfsness, in Essex, was held in the church of Kirkby-le-Soken.<sup>4</sup>

In 1275 it was decided at the court of Byrton (Kirkburton, near Huddersfield), sitting in church before Alexander Lucas, that if a man should recover land from another, the defendant should nevertheless be entitled to any crop which he might have sown, and the expenses incurred in sowing it. These are known in law as emblements. We are told that the whole neighbourhood were present on this occasion.<sup>5</sup>

A View of Frankpledge was held in the church of the Prior and Convent of Coventry, and we find the convent agreeing with Simon Chatel of Coundon, near that place,

<sup>1</sup> Hearn's *Aryan Household*, 1879, p. 126.

<sup>2</sup> Thorpe, i. p. 296.

<sup>3</sup> "Si barones sint qui judicia non habent, in hundredo ubi placitum fuerit, ad propinquiorem ecclesiam ubi iudicium regis erit determinandum est."—Thorpe, i. p. 446.

<sup>4</sup> *Domesday of St. Paul's*, p. 111.

<sup>5</sup> *Wakefield Court Rolls*, i. p. 71.



that he would make two journeys yearly to the court. As a consideration for doing so he received a grant of land. The Prior of Coventry was lord and rector of Coundon, and in his court he had gallows, pillory, assize of bread and beer, the goods of felons and fugitives, mortuary fees, and waifs and strays.<sup>1</sup> In 1279 a View of Frankpledge was accustomed to be held annually in Whitsun Week in the church of Chingford, Essex, by the Bailiff of the Hundred and the Bailiff of the Manor. In 1278 the rector of Cherry Hinton, near Cambridge, had a View of Frankpledge, and exacted fines on bread and ale.<sup>2</sup>

Reparation for injuries was sometimes made at church on Sunday. Thus at a halmote held in 1366 it was ordered that all the tenants of the manor of Heworth, in the county of Durham, who had trespassed on the corn or grass of Richard del Kytchin should go to Jarrow church on the following Sunday and there make satisfaction for the damage which they had done.<sup>3</sup>

Controversies were determined in Scottish churches. The church of St. James at Roxburgh was the scene of various transactions of more or less importance. In 1226 a dispute between the canons of Dryburgh and the rector of Lanark was settled by arbitration in that church in the presence of Andrew Maunsell, the vicar. In 1263 a controversy between the monks of Kelso and Sir Adam of Kirkpatrick was settled in the same church. In 1291 an agreement was made there between the monks of Melrose and the rector of Dunbar. In 1295 the church of St. James was the place chosen for settling a dispute between the monks of Kelso and William Folcard of Folkardston. In 1309 the long-pending controversy between the monks of Melrose and Kelso was brought to an end within the same church.<sup>4</sup> In 1273, within the church of Boulden, in the presence of many persons both clerical and lay, it was agreed that the monks of Melrose should pay to the monks

<sup>1</sup> *Catalogue of Coventry MSS.*, C. 20; the document is undated.

<sup>2</sup> *Domesday of St. Paul's*, p. lxxx.; *Rot. Hundr.*, ii. p. 401.

<sup>3</sup> *Durham Halmote Rolls*, p. 52.

<sup>4</sup> *Origines Parochiales Scotiæ*, i. p. 455.

of Kelso a yearly sum in lieu of thirteen chalders of meal which they had been previously accustomed to pay.<sup>1</sup> In 1279 the subprior and sacrist of Coldingham, and the rector of the schools of South Berwick, sitting in the church of the Holy Trinity of that town, to judge between the monks of Kelso and the vicar of the church of Roberdeston, in the question raised as to the greater tithes of that manor, gave sentence that they belonged to the monks.<sup>2</sup>

In the fourteenth century the Court of the Honour of Gloucester was held from four weeks to four weeks in the church of St. Mary de Crypt in that city.<sup>3</sup>

In 1285 a clerk was drowned in the river Cherwell, Oxford, and his body was taken to the church of St. Cross to await the coroner's inquest.<sup>4</sup> In the seventeenth century inquests were held in the churches of Derbyshire, and not unfrequently on Sunday. A coroner's citation, dated 1689, is directed to the constables and headboroughs of Bradborne, Brassington, Kniveton, and Parwich, and orders them to summon "four-and-twenty honest and lawful men of your several liberties to be and appear before me, or my sufficient deputy, at the church in Bradborne to-morrow, being Sunday the tenth day of November instant," at eleven o'clock in the forenoon.<sup>5</sup>

Some of the churches of Chester were used as courts of justice. In 1333 a trial concerning sacrilege was held before the mayor and sheriffs in the church of St. Mary-on-the-Hill. Two of the churches were used for the sittings of the Earl Marshal's court in the great heraldic dispute of the fourteenth century between Sir Richard le Scrope and Sir Robert le Grosvenor; one of the sittings was held in St. John's church in 1386. The case lasted several years, and among the witnesses summoned to give evidence was the poet Chaucer. In 1412 a Welshman appeared in the Carmelite church to answer certain matters in dispute. An

<sup>1</sup> *Op. cit.*, i. p. 416.

<sup>2</sup> *Op. cit.*, i. p. 149.

<sup>3</sup> Fosbroke's *Gloucestershire*, i. p. 153.

<sup>4</sup> Wood's *City of Oxford*, ed. Clark, i. p. 379.

<sup>5</sup> J. C. Cox, *Three Centuries of Derbyshire Annals*, 1890, i. pp. 79-80.

inquisition *post mortem* was held in St. Mary's church in the reign of Henry VI. In 1540 there was a suit in Holy Trinity church about certain hides belonging to a shoemaker.<sup>1</sup> In 1423 two knights met in St. Nicholas church, Newcastle-on-Tyne, in reference to matters in dispute between them, of which an indenture was made the same day.<sup>2</sup> In 1423 an inquisition *post mortem* was taken before the escheator in the church of St. Mary-on-the-Hill, Chester.<sup>3</sup>

In 1308 proceedings in divorce were taken in Winster church, Derbyshire.<sup>4</sup>

Myrc, the author of a poem written about 1400, which gives instructions to the parochial clergy, bids them not to permit the holding of courts in the sanctuary, because Christ Himself taught that holy church is His house.<sup>5</sup> In 1425 Letters Patent of Henry VI were granted to John Cokayn and James Strangways to hold an assize of novel disseisin for the aldermen and brethren of St. Mary's Guild in Chesterfield church. In 1487 money due under an award was paid in this church in the presence of Richard Asshe, alderman, and others.<sup>6</sup> In 1472 the Archbishop of York complained of the parishioners of two villages in Yorkshire for holding their plebiscite, or local council, in the church and churchyard. In 1591 the parties to a Chancery suit had to appear before the assessors in the church of Chapel-en-le-Frith, Derbyshire.<sup>7</sup>

In ancient Wales if a father died without either denying or acknowledging a clandestine son, who afterwards claimed to be admitted to the kindred, the ceremony of admission or rejection was performed in church at the altar, in the presence of the judge and the elders. The old Welsh Laws show that churches were regularly used as courts of justice. Theft was denied by the defendant at

<sup>1</sup> Morris's *Chester in the Plantagenet and Tudor Reigns*, pp. 171-2.

<sup>2</sup> *Archæologia Æliana* (N.S.), xxii. p. 123.

<sup>3</sup> Earwaker's *East Cheshire*, i. p. 323.

<sup>4</sup> Jeayes, *Derbyshire Charters*, No. 1213.

<sup>5</sup> *Instructions to Parish Priests* (E.E.T.S.), p. 11.

<sup>6</sup> Jeayes, *op. cit.*, Nos. 831, 871.

<sup>7</sup> *York Fabric Rolls*, p. 256; Cox, *Churches of Derbyshire*, ii. p. 142.

church upon a relic. If a man made a false appraisement the church proceeded against him for perjury. Relics, we are told, were not necessary in causes carried on in the churchyard or in the church; "because it is the place of relics." In the case of debtor and surety judgment was given in the church.<sup>1</sup> The manorial court of Ruthin was held on Sunday in 1295 and 1296.<sup>2</sup>

In 1524 a manor court was held in the church of Kirkby Ireleth, when a number of riotous persons took the court roll away. Notice of the holding of the Court Baron of the manor of Hathersage was published in the church of that village in 1656. Ritson in his *Jurisdiction of the Court Leet*, 1791, says that "the stewards or bailiffs of a leet would, in bad weather, occasionally hold leets in the church, where, notwithstanding a canon, it is in many places still held." Notice of holding the leet is still affixed on the door of the church at St. Florence, near Tenby.

In 1703 William Nicolson, Bishop of Carlisle, visited Ravenstonedale in Westmorland, and wrote: "Here's a large and handsome church; the quire part the worst, but all repair'd (as one continued pile of building) at the common charge of the parish. The altar has no rails, and stands at a distance from the east window; having two rows of seats, or benches, betwixt it and that for the scholars. They have a tradition that the steward and jury of the mannour sate formerly on these benches in judgment (of life and death) upon such malefactors as were arraign'd for any capital crime; who were imprison'd in a hollow vault (some part whereof is still to be seen) on the north side of the church."<sup>3</sup> Forty-one years after this the church was pulled down and rebuilt. The court, says the Rev. W. Nicholls, "at first sat in the old church. But we read in a book still extant, that there was so much wrangling over cases and the manifestation of such a bad spirit, which they felt was unbecoming and unsuited to

<sup>1</sup> Lewis, *Ancient Laws of Wales*, p. 115; *Ancient Laws of Wales* (Record Commission), ii. p. 235; i. p. 135; ii. p. 37; i. p. 115.

<sup>2</sup> *Ruthin Court Rolls* (Cymmrodorion Record Series), pp. 5, 25.

<sup>3</sup> *Miscellany Accounts of the Diocese of Carlisle*, ed. R. S. Ferguson, 1877, p. 42.



such an edifice, that they petitioned Lord Wharton to have the trying of cases removed to a house which stood near the west end of the old church, but which was destroyed, no doubt, when the church was taken down. The suit was granted, and there the cases were tried until the old church was taken down." The jury was composed of twenty-four of the most influential men in the parish, including in that number the public notary. The parish was divided into four "angles," including a division known as Stennis Keugh, and from them the jury were elected when vacancies occurred by death or old age. If vacancies occurred on the west side of Coldbeck, they were filled up by those living on the south side; if on the south side, by those living on the west side. There was a case in which a tenant refused to serve the office of churchwarden because his dwelling-house was demolished or taken down, and the twenty-four unanimously agreed that every tenant within the parish should serve. The twenty-four are described in a legal document of 1667 as persons "entrusted for the good and benefit of Ravenstonedale." Their jurisdiction was very extensive; for instance, they determined questions of heirship. "We have the testimony of Mr. Anthony Fothergill that if in his time a murderer fled to the church, or sanctuary, and tolled the holy bell, as it was called, he was free; and that if a stranger came within the precincts of the manor he was safe from his pursuer." And he adds, "Of our own knowledge, and within our own memory, no felon, though a murderer, was to be carried out of the parish for trial, and one Holme, a murderer, lived and died in Ravenstonedale, whose posterity continued there for two generations, when the family became extinct."<sup>1</sup> Another writer says that "every occupier of a house with four acres of land attached to it, was liable to serve on this jury, and should any householder seek to evade responsibility by building a house which did not fulfil requirements in respect of this, the Four-and-twenty had power to pull it down, and exact a heavy fine from the owner. . . . In

<sup>1</sup> Rev. W. Nicholls, *History and Traditions of Ravenstonedale*, 1877, pp. 21-75.

the eighteenth century the jurors were, to all intents and purposes, a kind of local parliament, under the lord of the manor, who, in the person of his agent, was practically the king. This assembly legislated on all sorts of subjects, from capital crime to the getting of rushes with which the women were wont to strew the aisles of the church. Constables and churchwardens were chosen from the jurors' ranks; and any one absenting himself from his duties, without lawful excuse, such as sickness or military duty, was fined 12s. This curiously constituted court met in the old church."<sup>1</sup> The writers just quoted do not tell us from what sources their information has been derived, but it seems to be substantially correct, and the custom of demolishing the house prevailed at Sandwich. According to the Custumal of that town if a man was elected to serve as Mayor or Jurat—the governing body consisted of a Mayor and twelve Jurats—and refused to take office, his house was publicly demolished by the community.<sup>2</sup> In Jutland when a man was summoned to war and refused to attend the "gathering" he was hanged at the entrance to his own field, and his house was burnt down.<sup>3</sup> The house was the source of all its owner's rights in the community, and its demolition was an indication that those rights had ceased to exist.

At Denton, near Grantham, says Colonel Welby, "there is preserved the book of the town's meetings for more than a hundred and fifty years from 1603. It tells that the meetings of freeholders and inhabitants had taken place immemorially on Easter Monday, and as these were then held in the church, it is reasonable to suppose it was their assembling place in much earlier days. The parson seems to have presided at these meetings, at which constables, churchwardens, and other town's officers were elected, the outgoing presenting accounts; the town's lands and

<sup>1</sup> Thornton and McLaughlin, *The Fothergills of Ravenstonedale*, 1905, p. 5.

<sup>2</sup> Round, *Feudal England*, 552 f. Mr. Round is mistaken in saying that the practice was confined to the Cinque Ports; it is found at Scarborough in the thirteenth century (*Notes and Queries*, 9th Series, vi. 123). The subject is treated fully in Miss Bateson's *Borough Customs*, ii. p. xxxv.

<sup>3</sup> Marryat's *A Residence in Jutland*, ii. p. 33.

grass were let, and its poor provided for; rules, enforced by fines, to regulate the village and its agriculture in common were voted, as well as levies of money for town and church purposes. As the levies and the king's taxes were calculated on sheep and beasts, these were counted on that day, hence also known as Count Day; the counting took place at the church, so that sheep-dogs acquired the habit of running in and out of it, thus necessitating payments for parish whips and whippers; the town's officers were allowed to charge for refreshments, probably consumed in the building. . . . In the eighteenth century the meeting had ceased to exercise many of its powers, and was transferred to a newly built school-house; gradually it faded into a vestry-meeting, leaving very few traces of the old self-government."<sup>1</sup> Till the close of the eighteenth century the custom in England was to hold the parish meeting on Sunday in church.<sup>2</sup>

We have seldom the means of ascertaining in what part of the church the court, or the town meeting, was held. From the sixteenth century the vestry-meeting was held, as its name imports, in the vestry—a building which now usually forms an annexe to the north wall of the chancel. But in a plan of Clayworth church, made by the rector in 1676, no vestry is mentioned. The chancel is described as the "parsonage choir," and the place occupied by the vestry is called the "parish choir," though it was not a choir at all, but a long room separated from the chancel by a wall or partition. The "parish choir," at the end of which is the "old registry," is apparently about 40 feet in length, and is as long and broad as the chancel, by the north side of which it stands, and with which it communicates by a doorway. In 1701 the rector "went half charge with the parish in building the east end and the partition wall betwixt the parsonage choir and the north choir,"<sup>3</sup> meaning the "parish choir." The wall, therefore, was a

<sup>1</sup> Col. Alfred C. E. Welby in the *Outlook*, 15th August 1908.

<sup>2</sup> Toulmin Smith's *Parish*, 1854, p. 47.

<sup>3</sup> *The Rector's Book Clayworth* (Notts), ed. Gell and Guilford, 1910, pp. 26, 142. The parishioners had a meeting about the repair of the parish choir in 1695; *op. cit.* p. 113.

party wall dividing the rector's part of the building from the so-called "parish choir." We shall see further on that the Tolsey or town hall of Gloucester was an annexe to the north side of the chancel of the church, and we may be sure that the "parish choir" at Clayworth belonged to the town and was the place where the town meetings were held. Though courts were held in a porch, a vestry, or other annexe of the church, we shall meet with instances where they were held in the chancel. In 1671 the steward and other judges held courts in a portion of the cathedral of St. Magnus at Kirkwall, in the Orkneys, known as the "wall-hous." In 1677 a sum of money was left for building a new vestry at Cartmel, in Lancashire, with a "quest-house" over the same.<sup>1</sup>

<sup>1</sup> Tudor's *Orkneys and Shetland*, p. 258; Stockdale's *Annals of Cartmel* referred to below.



## CHAPTER IX

### COURTS HELD, AND THINGS DONE, IN CHURCH— COURTS HELD IN THE HALL

IN 1763 it was agreed at a public vestry held in the parish church of Ashover, Derbyshire, that prosecutions for felony and larceny committed in that parish should be made at the expense of the parish, provided that the plaintiff, after securing the offender, should on the following Sunday order a vestry to be called in the church, to receive directions for carrying on the prosecution.<sup>1</sup> From 1692 to 1720 the Vestry Book also records the appointment of thirdborrows, or constables, two for each manor, in this large parish.

The church at Adlingfleet, near Goole, was made a repository of drainage accounts in 1767, and was used as a polling booth in that year on the occasion of the election of Commissioners of Drainage.<sup>2</sup> In 1822 the demolition of Middle Row in Leeds was agreed to at a public meeting held in the parish church.

Not only was the local court held in church, but the sale of land was completed there in the presence of the assembled parishioners. In one place we are told of an exchange of lands in the presence of the Twenty-four *judices*<sup>3</sup>—a body which, as we have just seen, existed at Ravenstone-dale and which constituted the local council held in church. Earlier than 1238 we find a man surrendering land "before the parishioners of Hooton in the church of the same town."<sup>4</sup> Surrender and admittance, it need hardly be said,

<sup>1</sup> *Ashover Vestry Book* (MS.).

<sup>2</sup> *Leeds Mercury Supplement*, 4th May 1901.

<sup>3</sup> *Hist. Elien.*, ed. Gale, p. 474, in Lewis, *Ancient Laws of Wales*, p. 328.

<sup>4</sup> *Pontefract Chartulary*, ii. p. 356.

is the usual method by which copyhold land is transferred from one person to another.

On the Sunday before Candlemas, 1318, the execution of a deed relating to land was witnessed in Felkirk church, near Barnsley, before all the parishioners.<sup>1</sup> Furthermore, in this same *Pontefract Chartulary* we read of land being surrendered by the rod, as it is surrendered in copyhold courts to this day, not at a vestry meeting, but on the altar of St. Peter.<sup>2</sup> The same book also tells us of land surrendered at the altar by a clasped knife, and a knife is still used in the Peak of Derbyshire for "striking" or "knocking off" a bargain. Money was also paid at the altar, as if it were a table in a court of justice. Thus by a deed of 1424 a sum of £10 was to be paid at the altar of St. Mary in the parish church of Stamfordham.<sup>3</sup> The Abbot and Convent of Selby paid four shillings yearly by way of tithe to Holme church, the payment being made on the altar.<sup>4</sup> In the thirteenth century the manor of Beighton, near Sheffield, was conveyed by Sir Walter de Furneaus to William Furneaus his brother, for fourscore marks, and the rent of one penny due in St. Radegund's church, on St. Radegund's Day. At the beginning of the fourteenth century, a confirmation of land at Stanton in Derbyshire was made, subject to a rent of one farthing in silver to be paid yearly in the chapel of Birchover on Michaelmas Day.<sup>5</sup> It is evident that such payments as these were mere acknowledgments intended to keep alive some right reserved by the grantors, the coins being tendered on days when a large assembly would be likely to be present in church.

In 1494 an innkeeper at Strood, in Kent, bought an inn there called the Swan, agreeing to pay the purchase money, amounting to £23, in the parish church of Ryarsh, near Maidstone, by instalments of £5 each, on days which are named, until the whole was satisfied. The deed was sealed,

<sup>1</sup> *Yorkshire Archæological Journal*, xii. p. 257.

<sup>2</sup> *Op. cit.*, ii. 428.

<sup>3</sup> *Newminster Chartulary*, p. 191.

<sup>4</sup> *Coucher Book of Selby*, ii. p. 40.

<sup>5</sup> Jeayes, *Derbyshire Charters*, Nos. 267, 2219.

and seisin delivered, in the presence of seventeen persons, whose names are given, and others.<sup>1</sup> Chief rents were paid to the lord in the porch of Ecclesfield church between 1566 and 1577. On Whitsunday, 1580, a man who had borrowed money on mortgage agreed to pay the sum due, amounting to £304, in Eyam church, Derbyshire, between the hours of nine in the morning and three in the afternoon.<sup>2</sup> In 1628 money was lent to five persons by the churchwardens of Pitlington, Durham, and repaid in the chancel. In 1652 rent was paid quarterly in the south porch of Melksham, in Wiltshire. The payment of rent in the porch was a common practice.

Agreements for the sale and purchase of land, and conveyances of land, were made in Scottish churches. Mortgages were also redeemed in church by the payment of the debt on the altar. In 1287, in the cathedral church of Elgin, William de Fedreth and Christian his wife granted in heritage to Sir Reginald le Chene four davachs of land and all the other lands which in future they might have in the tenement of Strathnavyr.<sup>3</sup> In 1361 at the church of St. Martin in Ardscofinis a lady sold part of her barony to her kinsman Colin Campbell for a certain sum of money and cows paid and delivered to her in her great necessity. On the 11th of November in the same year at the same church she granted to him her barony of Cragyniss.<sup>4</sup> In 1394 Duncan Kambaile, lord of Edderlyng, granted to Colin Campbell, lord of Lochaw, a wadset, or mortgage, on certain lands, for the sum of twenty-five marks of silver, until he should pay that sum to the said Colin on one day on the high altar of the church of Kilnewir.<sup>5</sup> In these transactions the lender of the money received the rents of the land by way of interest. In 1510 Sir Duncan Campbell granted to the Earl of Argyll the reversion of certain lands on payment by the Earl of £100 Scots in gold and silver on one day on the high altar of the parish church of

<sup>1</sup> Thorpe's *Registrum Roffense*, pp. 651-2.

<sup>2</sup> Mower's *Memoranda in Reliquary*, 1881.

<sup>3</sup> *Origines Parochiales Scotiæ*, ii. p. 709.

<sup>4</sup> *Op. cit.*, ii. p. 96.

<sup>5</sup> *Op. cit.*, ii. p. 46.

Glenorchy. It was provided that Sir Duncan, or his heirs, should be warned by the Earl, or his heirs, forty days before payment, either personally or at the church of Glenorchy by open proclamation on a Sunday. It was also provided that if Sir Duncan, or his heirs, should evade the receipt of the money, the Earl should nevertheless have access to the lands, and the money should be put into the hands of the vicar of Glenorchy, and the constable of that place, for the use of Sir Duncan and his heirs.<sup>1</sup> In 1543 a man and his wife granted to Archibald, Earl of Argyll, the reversion of certain lands, upon payment by the Earl on one day of the sum of 200 marks on the altar of Our Lady in the church of Strathlachan, due warning being given to the Earl, either at home or at his parish church on a solemn day, of the time of payment.<sup>2</sup> In 1551 Sir Robert Urquhard went to the altar of St. James in the cathedral of Dornoch, and there paid to a certain burgess of that town the sum of £30 Scots, whereupon the burgess resigned, or reconveyed, certain property which he had in mortgage.<sup>3</sup> In 1554 a bond for £100 was conditioned to be paid on the high altar of the church of Chapel-en-le-Frith, in Derbyshire.<sup>4</sup>

The altar was the place where small tithes were paid. Mr. Capes says that in the fourteenth and fifteenth centuries milkmaids took their milk to church and left it by the altar. In 1762 three men and a woman brought butter and cheese into the chancel of Zennor church, Cornwall, in the time of divine service, imagining that it would be accepted instead of their tithes for cows and calves.<sup>5</sup>

Transumps, or copies, of charters were often made in Scottish churches in the fifteenth century and later, for preserving the evidence of title to land.<sup>6</sup> On a Sunday before the year 1235 a man caused a charter to be read before the parishioners of Silkstone, near Barnsley, and

<sup>1</sup> *Op. cit.*, ii. p. 131.

<sup>2</sup> *Op. cit.*, ii. pp. 55, 74.

<sup>3</sup> *Op. cit.*, ii. 631.

<sup>4</sup> *Derbyshire Archæological Journal*, xxiv. p. 44.

<sup>5</sup> *Blight's Churches of West Cornwall*, 2nd ed., p. 155.

<sup>6</sup> *Origines Parochiales Scotiæ*, ii. pp. 582-3, 631.



gave possession of certain land.<sup>1</sup> There is very little doubt that this was done in church.

A very graphic account exists of the way in which a dispute was ended in Macclesfield chapel. On the 24th of April 1412, Sir Robert Grosvenor and his counsel read in the chapel a series of deeds relating to settlements by the Pulford family of various manors and lands. After they had been read, Sir Thomas Legh and his wife pretended a right to those estates, and it was agreed that Sir Thomas should take a solemn oath on the body of Christ in the presence of twenty-four gentlemen, or as many as he wished. Accordingly Sir Robert's chaplain celebrated mass, consecrated the host, and held it before the altar. Whereupon Sir Thomas knelt before him, whilst the deeds were read again by Sir Robert's counsel, and swore by the Lord's body that he believed in the truth of those deeds. Thereupon the sheriff and fifty-seven of the principal knights and gentlemen of Cheshire affirmed themselves to be witnesses of the oath, all elevating their hands towards the host. To conclude the ceremony Sir Thomas received the sacrament, and then he and Sir Robert kissed each other. Immediately after this Sir Robert acknowledged the right to the estates to be vested in Sir Thomas, and an instrument was drawn up to that effect by the notary in the presence of the clergy, and attested by the seals and signatures of fifty-eight knights and gentlemen.<sup>2</sup> The oath here taken was known as the corporal oath.

A remarkable ceremony at Caistor church, Lincolnshire, was obviously intended as a proof of the due payment of the rent whereby certain lands were held, the parishioners and the clergyman being witnesses. On Palm Sunday a deputy from the parish of Broughton brought a very large gad-whip to the church. He came to the north porch about the commencement of the first lesson, and cracked his whip in front of the porch door three times. He then tied to the top of the whip-stock a purse which contained two shillings (formerly this sum was in twenty-four silver

<sup>1</sup> Bracton's *Note-Book*, ed. Maitland, iii. p. 184.

<sup>2</sup> Ormerod's *Cheshire*, ed. 1882, iii. p. 148.

pennies). Then, taking the whole upon his shoulder, he marched into the church, where he stood in front of the reading-desk till the commencement of the second lesson : he then went up nearer, waved the purse over the clergyman's head, knelt down on a cushion, and continued in that position, with the purse suspended over the clergyman's head, till the lesson was ended. After the service was concluded he carried the whip and purse to the manor-house of Hundon, an adjoining hamlet, and left it there. Certain lands in the parish of Broughton were held by this custom. In 1836 the lord of the manor of Hundon unsuccessfully petitioned the House of Lords to abolish the custom, but it was not discontinued till about ten years later.<sup>1</sup>

Rents, either in money or in kind, were paid to the Canons of St. Paul's by the tenants of their various manors on every Sunday in the year. The delivery of corn, however, was discontinued during the harvest month of September.<sup>2</sup>

Chief rents were paid in Scottish churches. In 1429 King James I of Scotland granted to John Lech certain lands in the sheriffdom of Bute at a yearly rent of two pennies, or a pair of gloves, to be paid or rendered within the parish church of Bute.<sup>3</sup> In the fifteenth century the priest of Steeple Langford, in Wiltshire, received the rents of his lord, Sir John Fastolf, in the church of that place between matins and mass on Sunday.<sup>4</sup>

Proof of the ownership of goods alleged to have been purchased in the market was given at the altar in English churches as early as the seventh century. In the following century slaves received their freedom at the altar.<sup>5</sup>

Some years before 1295 a surrender of land was made, according to the custom of the manor, in the churchyard of King's Ripton, near Huntingdon.<sup>6</sup>

Debts were paid on Sunday. Among the documents

<sup>1</sup> Brand's *Popular Antiquities*, 1849, i. p. 130; Hampson's *Medii Ævi Kalendarium*, p. 182, where the petition to the Lords is printed.

<sup>2</sup> *Domesday of St. Paul's*, p. cxxviii.

<sup>3</sup> *Op. cit.*, ii. p. 229.

<sup>4</sup> Scrope's *History of Castle Combe*, p. 259.

<sup>5</sup> Thorpe, i. pp. 35, 39.

<sup>6</sup> *Selden Society*, vol. ii. p. 120.

belonging to Trinity Church, Coventry, is a bond, dated 1301, by which a sum of 44 shillings was to be paid by instalments of 6*d.* on the Sunday before Christmas in that year and on every successive Sunday until the whole was satisfied.<sup>1</sup>

Payment of rent on Whitsunday was not unfrequent. In 1185 the monks of Melrose compounded with William, parson of Hownam, in Roxburghshire, by a payment of forty pence yearly on Whitsunday for certain tithes and burdens on land. In 1576-7 we are told of Scottish leases commencing on Whitsunday.<sup>2</sup>

The concluding words of vast numbers of old conveyances of land state that the transaction was completed in the presence of a number of witnesses, whose names are given, and many others. Such conveyances are often dated on Sunday; in one case in the presence of named witnesses and of "others standing round,"<sup>3</sup> just as in ancient Iceland a circle was formed by the bystanders to witness a legal act.<sup>4</sup>

There is at least one place in England where land is still conveyed in church. In Portland, in Dorsetshire, says Miss Byron, the sale of property is "by church gift, no sale being considered legal unless transacted with certain ceremonies before the full congregation."<sup>5</sup> Mr. Thomas Hardy also in the preface to his novel *The Well-beloved* says that the sale "was carried out in the parish church in the face of the congregation." According to another writer the vendor and purchaser met in the parish church, and the deed was signed in the presence of two householders.<sup>6</sup> In 1901 Sir Thomas Howard, a solicitor practising in Portland, was asked to explain to the Judge of the Probate Court what "church gift" meant. "He said that people who wished to buy or sell land got a

<sup>1</sup> M. Dormer Harris in the *Coventry Herald*, 5th and 6th July 1912.

<sup>2</sup> *Origines Parochiales Scotiæ*, i. p. 395, referring to *Liber de Melros*, p. 120; also *Origines*, i. p. 472; ii. p. 128.

<sup>3</sup> *Yorkshire Archaeological Journal*, xx. p. 10.

<sup>4</sup> *Story of Howard the Halt* (Morris and Magnusson), pp. 21, 25, 26.

<sup>5</sup> *Blackwood's Magazine*, clxx. p. 346.

<sup>6</sup> *Reliquary*, April 1903.



schoolmaster and went into the church, where a sheet of foolscap was drawn up, and that was quite legal. In former days they used to go to the church and declare that they had given the land, and that held good, but afterwards when the Act of Parliament required a deed, they went to the church and put it in writing, and called it a 'church gift.'"<sup>1</sup> Mr. W. Johnson has given further particulars of this custom. In Portland, according to an old manuscript, when a man desired to make his will, "the churchwardens and some of the old inhabitants" used to assemble in the church porch. In their presence the will was made, in the first instance at all events, verbally.<sup>2</sup> It should be noted, as we go on, that enormous numbers of old land-charters, from the twelfth century onwards, are merely confirmations of gifts which had already been made; the operative words are not "I give," but "*I have given*, and by this present charter have confirmed" this or that property. The gift was a verbal conveyance made in church before the assembled parishioners, and afterwards confirmed by a written deed. Down to comparatively modern times a man is said to have "made and *published*" his will.

Now it is a highly interesting fact that there still exists in a Hampshire church, at no great distance from Portland, an Old English inscription which evidently refers to these very transactions. On the south side of Breamore church there is a room, measuring about 10 feet by 12 feet, which is entered by an archway 4 feet 5 inches wide, and about 10 feet high. Round the arch are written the words:<sup>3</sup> "Her swutelað seo gecwydrædnes ðe," meaning "Here the agreement is made known to thee." Old English wills, and also agreements for the manumission of slaves, frequently begin with the words "Hér swutelað," *i.e.* "Here is made known,"<sup>4</sup> and even a will was sometimes called an agreement (*geþinge*).<sup>5</sup> There can hardly be a

<sup>1</sup> *Notes and Queries*, 9th Series, viii. p. 81.

<sup>2</sup> W. Johnson, *Byways*, &c., pp. 155-6, referring to Mrs. C. King Warry's *Old Portland Traditions*, 1908, pp. 50-1.

<sup>3</sup> Baldwin Brown, *op. cit.*, ii. p. 234.

<sup>4</sup> Thorpe's *Diplomatarium*, pp. 499-601, 640-4.

<sup>5</sup> *Op. cit.*, pp. 465, 468.



doubt, therefore, that this room in Breamore church was the place in which wills and other documents were made known and published. The church is ascribed by Professor Baldwin Brown to the tenth century.

When we find the three trustees of a settlement, two of whom are rectors, and the other a chaplain, conveying manors and estates on Sunday in 1369 we may presume that the conveyance, whether verbal or written, was made in church.<sup>1</sup>

Dower was assigned to an intended wife at the church door. In one case a bridegroom used these words: "With this ring I thee wed, with my body I thee worship, and with a third part of the lands of William, my father, I thee endow." The father, who was present, agreed, and went to the altar and swore thereon that in nothing would he ever go against the said endowing.<sup>2</sup> Old conveyancing books have forms of assignment of dower at the church door.

In 1469, before administration of the goods of an intestate could be granted, proclamation was made at mass in Chesterfield church.<sup>3</sup>

In the sixteenth century the title-deeds of land were read aloud in English churches, and the same thing was done in Scottish churches in 1417. In 1491 the owner of a moss in Lancashire caused the priest of Ashton Chapel to declare publicly on Sunday that he intended to make a ditch through it. In 1539 evidence about the title of land was taken in Chorley church in the same county. In 1543 we hear of title-deeds kept in the church, and the costs of an action were ordered to be paid there. Notice of the time, date, and place of holding a wapentake was given in church in the sixteenth century. Writs were also served in church during the same period. Acts of Parliament were read there publicly. At Rotherham the penalties decreed in the manorial court were commonly ordered to

<sup>1</sup> *Cartæ et Munimenta de Glamorgan*, ed. Clark, ii. p. 17.

<sup>2</sup> *Yorkshire Inquisitions*, iii. p. 51; see also Brand's *Popular Antiquities*, 1849, ii. p. 133.

<sup>3</sup> Jeayes, *op. cit.*, No. 2522.

be published by the bailiff in church. Sales of land were proclaimed there. Town accounts were made up and audited in church at the end of the year, and notice of the days on which highways were to be repaired was given there on Sunday.<sup>1</sup> "It was not," says Mrs. Green, "till the time of Laud that the public attained to a conviction, or acquiesced in an authoritative assertion, that the church was desecrated by the transaction in it of common business."<sup>2</sup>

In 1238 the assize court was held within the cathedral church (*infra ecclesiam*) of the Blessed Peter of York. In 1278 pleas were taken in the abbey of St. Mary in that city, and later in the porch of the cathedral. It was a common thing to hold assizes and inquisitions on a Sunday, and the courts at Westminster sometimes sat on that day.<sup>3</sup>

In 1280 the king's justices held their courts, when on circuit, in the churches of St. Nicholas and St. Andrew, Newcastle.<sup>4</sup> On the other hand we are told in 1274 of a hall in Norwich in which the pleas of the county were held. And in the same year we hear also of the rebuilding of a hall in Rutland which had been burnt in time of war, and in which the king's justices were accustomed to hold their courts when they went on circuit.<sup>5</sup> Leland says that at Dorchester, Oxfordshire, the courts were held in the Bishop's Palace.

At Thorpe-le-Soken, about twelve miles from Colchester, the lord of the manor, who styled himself "lord of the franchise, liberty, dominion, and peculiar jurisdiction of the Soken in the county of Essex," appointed a commissary, by the title of Official Principal and Vicar General in spiritual causes, who held a court in Thorpe church annually. The Probate Court of Coventry was formerly held in the

<sup>1</sup> *Pleadings in the Duchy Court of Lancaster*, i. 5; ii. 96, 165, 225; iii. 226-8; ii. 109; *Thirteenth Report of Historical MSS. Commission*, Appendix, part ii. p. 2; Hunter's *South Yorkshire*, ii. 10; *Folklore*, iv. 517; Hist. MSS. Commission, v. 494.

<sup>2</sup> *Town Life in the Fifteenth Century*, i. p. 156.

<sup>3</sup> *Northumberland Assize Rolls* (Surtees Soc., No. 88), p. xiii.

<sup>4</sup> Rendel's *Newcastle-on-Tyne*, 1898, p. 121.

<sup>5</sup> *Rotuli Hundredorum*, i. p. 528; ii. p. 51.

vestry of St. Michael's church, which was on the north side of the chancel.

Protests were continually being made against holding secular courts in churches. In 1253 among the inquiries directed to be made throughout every diocese in England was this: Whether any layman causes markets, or plays, or pleas concerning property (*placita pecuiliaria*) to be held in sacred places.<sup>1</sup> But the inquiry was fruitless, because as late as 1603 a canon of the Church of England ordered that no temporal courts or leets, lay-juries, musters, or other profane usage be kept in churches, chapels, or churchyards. In 1363 the Constitutions of Archbishop Thoresby, at York, reciting that the church should be a house, not of merchandise, but of prayer, forbade the holding of any market in churches, porches, or churchyards, or any traffic, or the holding of secular pleas there. Such orders as these were repeated in vain from one age to another.

An old Scottish law prohibited the holding of pleas concerning life or land in holy church, or in the churchyard or in any other consecrated place.<sup>2</sup> Such a prohibition could not have been made had not the sitting of courts of justice in church been a frequent or usual practice. In 1303 Robert of Brunne wrote that it was villainy for laymen to plead at law in church, or to inquire into indictments there. He also says that assizers, or persons who hold assize courts, ought not to adjudicate on felony and theft in church.<sup>3</sup> This writer was a canon of the Gilbertine Order from 1288-1303 at Sempringham, Lincolnshire.

In a Frankish capitulary of 819 the prohibition to hold courts in the church or churchyard extends only to the great *mallum*, or assembly of the nation, and not to the lesser courts, which the lord might hold where he pleased.<sup>4</sup> We thus have evidence that these prohibitions, extending

<sup>1</sup> *Annales de Burton*, ed. Luard, p. 307.

<sup>2</sup> Skene's *Acts of Parliament of Scotland*, i. p. 388.

<sup>3</sup> Brunne's *Handlyng Synne* (Roxburghe Club), 8911-23.

<sup>4</sup> "Ubi antiquitus consuetudo fuit de libertate sacramenta adhramire vel jurare, ibi mallum habeatur et ibi sacramenta jurentur; mallus tamen neque in ecclesia neque in atrio ejus habeatur. Minora vero placita comes sive intra suam potestatem vel ubi impetrare potuerit habeat."—Grimm, *Rechtsalterthümer*, 1854, p. 806.

gradually to every kind of temporal court, lasted from 819 to 1603—a period of nearly eight hundred years. Nothing could prove more clearly how general and long-enduring was the practice of holding such courts in church, and how ineffectual were the measures taken to abolish it. In England, however, the only kind of trial known to have been held in church before the Norman Conquest was the ordeal.

On the 10th of May 1290, a meeting was held in Norham church, near Berwick, to decide the claims made by several competitors for the Crown of Scotland. At this meeting King Edward I and many nobles and bishops of both nations were present. Several other subsequent meetings on the question were also held in this church.<sup>1</sup>

A record has been preserved of the proceedings of the Chancery Courts of the Cinque Ports held in the fourteenth century in the church of St. James, Dover. They concern such matters as the unlawful arrest of a ship, trespass, illegal distress, and tolls and customs. Lyon tells us that the court “was held in the chancel, in the south aisle.”<sup>2</sup> In 1325 the Prior of Lewes went into the chancery (*cancelarium*) of the king at the church of the Preaching Friars in London, and there acknowledged a charter and all its contents.<sup>3</sup> It was made a charge against Archbishop Laud that he had complained of the Justices of the Peace holding sessions in Tewkesbury churchyard.<sup>4</sup>

Courts were also held at the church door, or in the churchyard. King Henry II granted to the Canons of St. Peter at York that no tenant holding land of them should do suit in the courts of weapontake, tridingmot, or shiremot, but the plaintiff and defendant were to be tried and justified before the door of St. Peter's monastery. By a confirmation of the year 1223 the pleas of the Dean and Chapter were to be held nowhere else but at the church door of St. Peter's, saving pleas of the Crown, which

<sup>1</sup> W. Hutchinson's *View of Northumberland*, 1778, ii. p. 32.

<sup>2</sup> Statham's *Dover Charters*, pp. 70 f.; Lyon's *Dover*, i. 259.

<sup>3</sup> *Yorkshire Archæological Journal*, xx., p. 375.

<sup>4</sup> Ieaffreson, *Book about the Clergy*, i. p. 341.



were to be heard in some one of the Canons' houses, or in the churchyard, as had hitherto been usual.<sup>1</sup>

Courts held at the church door may be compared with the institution of Norwegian law known as the door-doom. This was called into operation for the recovery of disputed debts, to the contraction of which there had been no witnesses. It was held in front of the debtor's door, and not at the back of his house.

In Germany during the Middle Ages stone steps were fixed before a castle door to enable riders to mount their horses or dismount, and on those steps the lord of the manor, or his official, used to sit when he held a court.<sup>2</sup> We are reminded of the *burh-geat-setl* of the Anglo-Saxon law (p. 158, *supra*). The practice of holding courts at the church door is evidently connected with that of holding them at the men's door of the *burh*. "Our oldest laws," said the late Professor Maitland, "seem to know no *burh* other than the strong house of a great (but he need not be a very great) man."<sup>3</sup>

From an early time courts sat in the church porch, and this was in effect sitting at the door, though the place of meeting was roofed. Eadmer, a monk who lived in the eleventh century, tells us that the south porch of Canterbury Cathedral was used as a court of justice to which litigants, in process of time, resorted from every part of England. Over this porch a tower was built at a date which cannot be ascertained, but was probably later than the time of Augustine.<sup>4</sup> The practice of holding courts in the church porch has continued almost to our own days. In 1729 the Commissioners of the River Dun Company and the jury sat from time to time in the porch of Conisborough church, near Doncaster.<sup>5</sup> At Chesterfield the coroner held inquests in the church porch.

At Cirencester a large building, known as the Vice, was

<sup>1</sup> Drake, *op. cit.*, pp. 548, 549.

<sup>2</sup> Grimm, *Deutsche Rechtsalterthümer*, p. 804.

<sup>3</sup> *Domesday Book and Beyond*, p. 185.

<sup>4</sup> Willis, *Canterbury Cathedral*, p. 11.

<sup>5</sup> MS. Proceedings of the River Dun Company, iii. p. 23. The writer is indebted to Mr. Arthur Wightman for an extract.

erected at the south door of the church for the purpose of holding the local court. It had upper rooms, and was used as the town-hall in 1672. It was built between 1422 and 1501, as is shown in bequests made in wills, and rebuilt about 1832. This rebuilt town-hall does not in its present form represent the original construction, but an engraving and a short description of the old building have been preserved. Rickman, in 1825, says that the building was used for vestry meetings, and tells us that it had three large windows in the upper part. At the present time there is one lofty hall, but formerly there were two upper stories, and the rooms communicated with the church. It is no longer used as a town-hall, though public meetings are sometimes held in it. Lord Sherborne says that the building is the parvise of the church, the modern "Vice" being all that remains of that word.<sup>1</sup> Instead of annexing a building to the church itself, on the site of the porch, the governing body of Coventry, about 1340, began to erect a guild-hall, called St. Mary Hall, *opposite* the south porch of St. Michael's church, but it was so near the church as to interfere with the enlargement of the hall about 1420. The governing body held their meetings in St. Mary Hall as early as 1327; <sup>2</sup> where they sat before that time is unknown.

The church porch was the place where marriages were solemnised, and where dower was given to women. In 1200 the wife of Gilbert Avenell pleaded that she was endowed with the half of two villages at the church door by the symbol of a broken knife, which she produced.<sup>3</sup> Chaucer's Wife of Bath tells us that since she became twelve years of age she had married five husbands at the church door. There was a wedding door at St. Nicholas church, Aberdeen, in 1530, and another about the same date at St. Edmund's, Salisbury. In Lanarkshire, according to Jamieson, to do a thing at the kirk door meant to do it openly.

<sup>1</sup> *Notes and Queries*, 10th Series, ix. pp. 217, 277; see an excellent photograph in Mr. A. H. Thompson's *Historical Growth of the English Parish Church*, 1911, p. 72.

<sup>2</sup> Sharp's *History and Antiquities of Coventry*, 1871, p. 211.

<sup>3</sup> *Select Pleas* (Selden Soc.), p. 7.

The record of an Anglo-Saxon manumission, without date, states that a man purchased freedom for himself and his offspring by giving to his master eight oxen at the door of Bodmin church. Land was paid for at the men's door of the ancient Norse hall.<sup>1</sup> Unnatural parents exposed their children at the church door, where, according to a German authority, some charitable person would be likely to find and take them up. There is a legend that a child born in adultery was secretly abandoned at the church of Rathen, in Ireland, and rescued by St. Carthach. Its parents being unknown, it was named Dimma, and it lived to become a bishop. According to the *Book of Armagh*, infants were cast upon the church in ancient Ireland. Early one morning as St. William the Martyr, who was born in Perth, came before the doors of the Lord's temple to pray, he found a wailing child wrapped in poor shaggy rags. Having compassion on it, he snatched it up, gave it to a woman to be nursed, and afterwards taught the child the art of baking. It seems that children were also exposed at the cross in the churchyard. It was the custom of a certain Irish priest to rise early, go about the churchyard, and sing seven psalms for the souls of the departed. On one of these occasions he found a little baby girl lying by the cross. Moved by pity, he gave it to a nurse, brought it up, and taught it to read. But in the end the girl became his mistress.<sup>2</sup> There is a tradition that, one winter's morning, a child was found in the porch of Norton church, in Derbyshire, and that, its parents being unknown, it was baptized as Daniel Denial.<sup>3</sup> The name may be fanciful, but the tradition is otherwise right. It is a singular proof that history may be handed down by oral testimony for many centuries.

In Northern Europe oaths were sworn before the church door, on the sill, and, in the absence of a mass-book, by touching the door-post. In Friesland when the

<sup>1</sup> Thorpe's *Diplomatarium*, p. 628; *Grágás*, 1829, ii. p. 228.

<sup>2</sup> *Vite Sanctorum Hiberniæ*, i. p. 183; *Tripartite Life of St. Patrick*, ed. Stokes, ii. p. 355; *Nova Legenda Angliæ*, ed. Horstman, ii. pp. 457, 521-2.

<sup>3</sup> Addy's *Sheffield Glossary* (E.D.S.), 1888, s.v. Denial.

mourners came back from a man's funeral they swore on the door sill that they had purloined none of his goods. But swearing usually took place before the altar in churches and chapels, and a casket of relics seems to have been brought before the court.<sup>1</sup> In Wales, according to the laws of Howel the Good, accusations of theft were made by the accuser swearing, with three men of his own condition, at the gate of the churchyard, at the door of the church, and over the altar.<sup>2</sup>

In the middle of the thirteenth century a man released his claim to some property at Mosborough, near Eckington, in Derbyshire, and in the court of the Lord of Eckington, swore by the God of Truth, upon touching and beholding the holy relics, that he utterly abandoned all claim to the property. The witnesses to this transaction were the two rectors of Eckington, a clerk who was then seneschal, and some others.<sup>3</sup> We may be sure that this was done in church. In 1234 four persons, in the presence of many good men assembled in the church of Llandaff, swore on the tomb of St. Theliawus and on all the holy relics that they would never harass the monks of Margam about certain rent and property. And because these four men had no seals the release which they gave was sealed by the Bishop and Chapter on their behalf.<sup>4</sup>

Not unfrequently, as Sir Lawrence Gomme has shown, the local assembly sat in the open air on a moot-hill. In one undated case we hear of the court being transferred thence to a roofed building. The court of the sokemen of Stoneleigh, in Warwickshire, according to the Register of the abbey there, compiled in the fourteenth century, was originally held on a mound near that village called Motstowehull. But when the abbots of Stoneleigh became possessed of the court, they made, for the convenience of the tenants and suitors, a court-house in the middle of the

<sup>1</sup> Grimm, *op. cit.*, pp. 903-4.

<sup>2</sup> Wade-Evans, *Welsh Mediæval Law*, 1909, p. 245.

<sup>3</sup> Jeayes, *Derbyshire Charters*, No. 1727.

<sup>4</sup> *Cartæ et Munimenta de Glamorgan*, i. p. 80.



village, and there the court sat every three weeks.<sup>1</sup> Here the court-house may have been a moot-hall, though there is no evidence of the existence of such a building in the village. Stoneleigh church is attributed by Parker to the middle of the twelfth century, and has some interesting remains of Norman architecture. The abbey was founded in 1154.

Though monks and canonists deprecated and forbade the holding of assizes and other public courts in churches the clergy held such courts there themselves, and abbots frequently acted as itinerant justices. Probate, divorce, and matrimonial causes were entirely in the hands of the clergy, who also adjudicated on many other matters. We saw in the last chapter that a divorce case was heard in Winster church in 1308, and it is well known that testamentary and matrimonial causes were heard in church. In the thirteenth century we find the clergy adjudicating on questions of contract, debt, and on many other questions which had nothing to do with wills or matrimony.<sup>2</sup> This practice was regarded as an interference with the royal prerogative, and in the Hundred Rolls many cases are noticed in which the clergy had usurped that prerogative; in one instance a man is accused of bringing an action about wheat and oats in the Court of Christianity, as the ecclesiastical court was called.<sup>3</sup> That Deans and Chapters, archdeacons, and their officials would hold courts of any kind elsewhere than in a church is exceedingly unlikely. As late as 1836 the Durham assizes were opened by the bishop for the time being, and the judges sat by virtue of his writ.

The place for conferring degrees, and for celebrating other public acts of the University of Oxford, was first the church of St. Giles, and then that of St. Mary the

<sup>1</sup> "Fecerunt domum Curie in medio Ville de Stonle."—Vinogradoff's *Villainage in England*, p. 430.

<sup>2</sup> "Archiepiscopus Ebor' et ejus officiales Decanus et capitulum Ebor', et eorum vicesgerentes, et omnes archidiaconi et decani, et omnes alii quicumque judices, et eorum vicesgerentes, tenent placita de debitis, convencionibus, et pluribus aliis quæ non sunt de testamento vel matrimonio."—*Rot. Hundr.*, i. p. 115 b.

<sup>3</sup> *Op. cit.*, ii. p. 77 b.

Virgin. The parish church of St. Mary was appropriated to Oriel College in 1326, and in 1409 it is rehearsed that the building called the Old Congregation House, on the north side of the chancel of St. Mary's, belonged to the University before the appropriation, and that the Congregation of Masters had been solemnly held there from all antiquity. Many documents recognise this church as the place where Academical Acts were wont to be performed, and they extend back as far as 1201. The Old Congregation House consisted of two apartments, one above the other. The upper apartment extended over the whole length of the lower. It was known as the "solar," and it once contained the University Library. There is an ogee-headed "piscina" in the usual position, near the east end of the south wall of the lower apartment, and the building is attached to the east side of the tower, as though it were the original chancel. The present chancel is of later date. The Old Congregation House was built in the early part of the fourteenth century, but the members of Congregation became far too numerous to be accommodated within its limits. The ordinary meetings of Regents and non-Regents, afterwards termed Convocation, were held in the chancel, and at a Public Act the assembly was distributed, according to ancient custom, over six portions of the church: the non-Regents sat in the chancel; the Theologists in the Congregation House; the Decretists in St. Anne's Chapel; the Physicians in St. Catherine's; the Jurists in St. Thomas's; and the Proctors with the Regents in the Chapel of St. Mary. In the church the archives and moneys of the University were preserved. "A scaffold was erected for the Act, when degrees were conferred, at the east end of the nave, and miracle and mystery plays were acted in the church or churchyard. The Vice-Chancellor's Court too was held on Fridays in St. Mary's in Adam de Brome's Chapel." In 1437 the Chancellor's court is described as sitting in the church.<sup>1</sup>

<sup>1</sup> *Memoirs of the History and Antiquities of the County and City of Oxford*, 1854, p. 27 f.; Boase's *Oxford* (Historic Towns), p. 99; *Munimenta Academica*, p. 512; Wood's *City of Oxford*, ed. Clark, ii. p. 30.

At Cambridge the Commencement, or chief festival of the academic year, was held in Great St. Mary's church. The Vice-Chancellor was placed, with the doctors of his own faculty, in the upper stage at the west end of the church. Between 1738 and 1769 the University built a huge structure in the chancel called the Throne, but commonly known as Golgotha, for the Vice-Chancellor and officers of the University to sit in.<sup>1</sup>

The Court of Arches in London was held in the church of St. Mary-le-Bow, otherwise St. Mary-of-the-Arches, from an unknown time.

On the 17th of July 1907, Mr. Whitelaw Reid, the American Ambassador, handed over to the Cathedral authorities of Southwark "the restored Chapel of St. John" as a memorial chapel to John Harvard, the founder of Harvard University. In a sermon preached on the occasion the Bishop of Southwark said that the audience "would rejoice that the Chapel of St. John, which former generations had not been ashamed to use as a Small Debtors' Court, had no longer to serve as a cramped and insanitary vestry. He knew not exactly when and how that chapel passed out of its sacred use and entered upon its more squalid history."<sup>2</sup> In the sixteenth century the parish church of St. Margaret in Southwark is described by Stow as "a court wherein the assizes and sessions be kept, and the Court of Admiralty is also there kept. One other part of the same church is now a prison."<sup>3</sup>

At an early time the barbarous trials known as ordeals, or judgments of God, were regularly held in churches. Before the Norman Conquest these proceedings are mentioned with great frequency, and a law of Athelstan, who came to the throne in 925, gives considerable details of the way in which they were conducted. Fire was taken into the church, and the accused person, accompanied by the priest alone, entered the building. A space of nine

<sup>1</sup> Professor G. C. Moore-Smith in the *Eagle*, xvii. No. 98; Clark's *Guide to Cambridge*, p. 4.

<sup>2</sup> *Morning Post*, 18th July 1907.

<sup>3</sup> *Survey of London*, ed. 1633, p. 454.

feet was measured by the accused from a pedestal (*stapela*) to a mark, and he was to carry a piece of red-hot iron for the distance thus prescribed. When the iron was hot, two men on either side came in and agreed that it was so, and they were followed by a number of others, who stood on both sides, along the church. Then the priest sprinkled holy water over them all; they tasted the holy water, and kissed the book and the cross. When the hallowing had begun the fire was mended no longer, and the iron lay on the hot embers until the last collect. Then it was laid on the pedestal, and the accused grasped it and walked to the mark, the assembled company praying to God to declare the truth. The hand of the accused was then sealed up, and if, when the covering was removed on the third day, it was "foul," he was pronounced guilty; if it was clean he was innocent. There were other ordeals, such as plunging the bare arm into a caldron of boiling water, and taking a stone from the bottom, or swallowing the consecrated bread, which stuck in the accused's throat if he was guilty, and had to be extracted. Forms of service used on such occasions in later times have been preserved; they are as solemn and impressive as any other Christian ritual. Thurstan, who was Archbishop of York from 1114 to 1140, granted and confirmed to Whitby church the ordeal of iron and the pit in which condemned persons were drowned. Spelman refers to what he calls a celebrated example of the practice of drowning in the pit from the records of the Bishop of Gloucester in 1200. Two women who had stolen a great quantity of cloth in Croindone came to Suffliet, where they were taken and imprisoned. They were tried by the ordeal of fire in the Bishop's Court of Suffliet, and one of them was acquitted. The other was found guilty, and drowned in Bikepole, the king's coroners and many others being present at each trial. In an Icelandic saga, Grettir the Strong, accused of some misdeed, is called upon "to bear iron" in church before the king, the bishop, and a large assembly who were eager to see him. As late as 1759 resort was had in an English church to the ordeal of weighing in the balance—a practice well



known in Hindu law. An elderly woman, of Wingrove, near Aylesbury, was accused by a neighbour of bewitching her spinning-wheel, so that she could not make it go round, and offered to make oath of it before a magistrate; on which, the husband, in order to justify his wife, insisted on her being tried by the church Bible, and that the accuser should be present. Accordingly she was conducted to the parish church, where she was stripped of all her clothes, to her shift and undercoat, and weighed against the Bible; when, to the no small mortification of the accuser, she outweighed it, and was honourably acquitted of the charge.<sup>1</sup>

The ordeal was used as a civil process, such as proving the title to land,<sup>2</sup> as well as in the pretended discovery of guilt. The ordeal of bearing hot iron in the hand was introduced into Scandinavia together with Christianity from Germany and England, and superseded the old heathen ordeals, such as the rite of creeping under a sod partially detached from the earth and letting the blood mix with the mould. In Norway, during the civil wars, the ordeal was especially used in proof of the paternity of the various pretenders to the crown, but in that country this method of trial was abolished in A.D. 1247.<sup>3</sup> According to the ancient law of Norway, called *Frostathingslög*, kinship was proved by the ordeal. The earliest Northern ecclesiastical law prescribed as an ordeal for a woman to take hot stones out of a boiling kettle, whereas a man had to take up hot iron.

The cathedral church of York had the *orrusta*, or ordeal by battle, sometimes called trial by combat or wager of battle—a barbarous procedure which as late as 1818 was decided by the Court of King's Bench to be a valid and legal mode of trial. The charter of liberties granted

<sup>1</sup> Thorpe's *Ancient Laws and Institutes*, i. p. 227; *Whitby Chartulary* (Surtees Soc.), p. 163; Spelman's *Glossarium*, pp. 251, 436; Holinshed's *Chronicles*, 1577, i. p. 98; *Grettis Saga*, c. 39; *Gentleman's Magazine*, Feb. 1759, xxix. p. 93. Forms of service are given in Spelman and Holinshed. A translation of a German form is also given in note F in the first volume of Scott's *Fair Maid of Perth*.

<sup>2</sup> *Inquisitio Eliensis*, ed. Hamilton, p. 131.

<sup>3</sup> Cleasby and Vigfusson, *Icelandic-English Dict.*, pp. 58, 327, 337.

by Henry II to this church says: "If any fight a combat in York, the parties shall make oath upon the text, or relics of St. Peter's church, and when the same is over the victor shall offer the arms of the vanquished in the said church, returning thanks to God and St. Peter for his victory obtained."<sup>1</sup> We are reminded of the Greek and Roman custom by which the soldier dedicated his arms in a temple after an escape from danger.

But duels to ascertain the right to property were not fought in the church itself. In 1274 a duel was fought in Hardwick meadow for the church of Tenbury, in Worcester-shire, but, peace having been made, it remained the possession of the Abbot of Evreux. In the same year a duel was fought for the bailiwick of Henbury, in Gloucester-shire, when the bishop's pugilist beat his opponent.<sup>2</sup> This was the heathen ordeal known in Scandinavia as *holm-gang*, and it was the law that the hide on which the combatants stood should be five ells long. In England the combat took place in a field sixty feet square. It was the last and most solemn decision affecting the title to real property.<sup>3</sup>

In the heathen days the ordeal was held in the hall, and the best and earliest account of it is given in one of the Eddic Poems. Gudrun, a king's wife, had been accused of unchastity, and she, to prove her innocence, submitted to the ordeal. Saxi, the lord of the Southerners, was sent for to hallow the boiling caldron, and seven hundred men came into the hall (*sal-r*) to see her dip her white hand to the bottom and take out the precious stones. Her hands remained unscathed, and by this holy custom she was proved guiltless. Then Herkia, the queen's accuser, plunged her hands into the caldron, and it was a pitiful sight to see how they were scalded. The date of the Eddic Poems is between the years 800-1100. Their authors were Scandinavians of the heroic age of the North, and their English editors believed that the poems

<sup>1</sup> Drake's *Eboracum*, p. 548.

<sup>2</sup> *Annales de Wigornia*, p. 467.

<sup>3</sup> Hale's *Register of Worcester Priory*, p. lxxix; *Cormacs Saga*, c. x.

describe life in the Western Isles (Great Britain and Ireland).<sup>1</sup>

That the ordeal was used in English churches to test the chastity of women is made probable, if not certain, by the traditions about the hole in the crypt of Ripon Cathedral called Wilfrid's Needle and about Nanny Canker-needle in the crypt at Hornsea. We shall have occasion to refer to this matter again, but meanwhile it may be said that Moryson in his *Itinerary*, published in 1617, speaks of the "needle" at Ripon as "a narrow hole by which the chastity of women was tried."<sup>2</sup>

The most celebrated trial by ordeal in church is that which took place before Edward the Confessor in 1043. The widowed Queen Emma, his mother, had been accused of an unlawful intrigue with a bishop, and she, to prove her innocence, resolved to submit to the ordeal. Never before had there been such an assembly of people at Winchester in one day, and the king himself went thither. Queen Emma was brought to the city by his command, and on the night before her agony she prayed by the tomb of St. Swithin. On the appointed day the clergy and people assembled at the church, where the king himself sat in judgment. After the queen had protested her innocence, nine ploughshares, glowing hot, were laid in a row on the floor of the church, and, when they had been blessed, the queen's shoes and stockings were taken off, and, throwing aside her robe and mantle, she was led to the torment by a bishop on either side. The bishops who conducted her wept, and, more timorous than herself, encouraged her, and bade her be of good cheer. Everybody in the church wept, and the cry of all was: "Holy Swithin, holy Swithin, help her." Had thunder resounded it would not have been heard, so strong and loud were the prayers to heaven that St. Swithin should come quickly, and help her then or never. God suffers force, and His servant Swithin was drawn by violence down from heaven. The bishops guiding her feet, she made nine steps over

<sup>1</sup> Vigfusson and Powell, *Corpus Poeticum Boreale*, i. pp. lvi.-lxiii., 322-3.

<sup>2</sup> References and further details are given in Chapter XVIII.

the nine ploughshares, pressing on each with the whole weight of her body, and thus she passed over them all, and neither saw the iron nor felt its heat. Therefore she said to the bishops: "Shall I never get what I desire? Wherefore do ye lead me out of the church, when I ought to be tried in the church?" For she was going further, not knowing that the trial was ended. To whom the bishops, as soon as they could speak, replied: "See, my lady, thou hast already finished; the thing is done which thou dost think of doing." She looked back, her eyes were opened, and she understood the miracle. "Take me to my son," she cried, "that he may see my feet, and know that I have suffered no harm." The bishops went back with the queen, and found the king prostrate on the earth; and words failed him for misery. But when he saw the matter clearly, that most holy king fell at his mother's feet, and said: "Mother, I have sinned against heaven and thee, and am not worthy to be called thy son."<sup>1</sup>

Among the Frisians an ordeal by lot took place in church. When a man had been slain in a crowd means were taken to ascertain whose act it was. The relatives of the slain summoned seven men and charged each of them with the crime, and each of them was put upon his oath with eleven co-swearers. Then they went to the church, or if the church was too far off, the lots were cast upon relics. The lots were two pieces cut from a rod, one side of them bearing the sign of the cross, and the other being left blank. A clean cloth was spread over the altar, and then the priest (or if none, an innocent boy) took one of the lots from the altar, and prayed God to show by some evident sign whether the seven who had sworn had sworn truly. If he took up the lot marked with the cross then those who had sworn were innocent.<sup>2</sup> In ancient Ireland the names of the suspected persons were to be placed in a chalice on the altar, and the one on

<sup>1</sup> *Annales de Wintonia*, pp. 20-5.

<sup>2</sup> *Lex Frisionum*, Tit. xiv., in Seebohm's *Tribal Custom in Anglo-Saxon Law*, 1902, p. 203.



whom the lot fell was the guilty one. Their names were written on leaves.<sup>1</sup> A curious survival of a lottery on the altar occurs in 1678. In that year Dr. Robert Wilde bequeathed the yearly interest of fifty pounds to be expended in the purchase of six Bibles which should be cast for by dice on the Communion table every year by six boys and six girls of the town.<sup>2</sup>

There is much evidence of the holding of manorial and other secular courts in churches from the twelfth century down to comparatively modern times, and some evidence that they were also held in other buildings. As regards Anglo-Saxon times, it has been said that "probably the public courts were always held in the open air; there is no mention of churches being used for this purpose, a practice which was expressly forbidden in various parts of the Continent when court-houses were built. Private courts were held, when practicable, in the house of the lord having jurisdiction, as is shown by the name *halimote*, or hall-moot. This name may indeed have been given to a lord's court by way of designed contrast with the open-air hundred and county courts."<sup>3</sup>

With the important exception of the ordeal, concerning which there are many regulations in the Anglo-Saxon laws, we may agree that it is probable that before the Norman Conquest the public courts were held in the open air.

Though it is true that *halimote* means hall-moot, yet the word was unknown in Anglo-Saxon times, and there were other kinds of halls besides the chief room in a lord's dwelling.

The manorial court, or township meeting, continued in many cases to be held in the open air long after the Norman Conquest, and in the eleventh century we have in Domesday an allusion to the rarity of holding it in the lord's hall. At Acton, in Cheshire, Earl Edwin had a *curia*, or court, and we are told, as if it were very exceptional,

<sup>1</sup> *Cdin Adamndin*, ed. Kuno Meyer, s. 46.

<sup>2</sup> Murray's *Handbook for Bedfordshire*, 1895, p. 237.

<sup>3</sup> Pollock and Maitland, *The History of English Law*, 1895, i. p. 14.

that "this manor holds its court in its lord's hall."<sup>1</sup> We have already seen that this Earl Edwin had also a hall at Laughton (p. 131, *supra*). No church is mentioned either at Acton or Laughton, but at Acton there were two priests, with a carucate of land.

It is clear from passages in the laws attributed to Henry I (1100-35) that the halimote was not the lord's court. "Let every cause," it is said, "be determined either in the hundred court, or in the county court, or in the halimote of those who have jurisdiction, or in the courts of lords, or on the boundaries of equals."<sup>2</sup> In another passage, which refers to disputes between neighbours, we are told that such disputes should sometimes be settled on the boundaries of landed property, or in earth-moots, sometimes on the land of the neighbourhood, sometimes in the lord's court, sometimes in the hundred court, sometimes in the county court, or in the court of the borough, or in the halimote.<sup>3</sup> In both these passages the lord's court is expressly distinguished from the halimote.

A court, however, could be held in the lord's hall in the thirteenth century. In a grant to the Canons of Beauchief, Sir Thomas Chaworth sets forth that, having reviewed and admitted their charters, and being desirous that the grants and concessions should be punctually fulfilled, so that the religious might attend to their divine offices without vexation by him or his heirs, he consents that if the convent, their men or tenants, should prove delinquent in any respect towards him, his heirs, men, or tenants, they should not be summoned to answer in his courts (*curiis*) of Norton or Alfreton, or elsewhere, but amends should be made at the church of Norton, if the

<sup>1</sup> "Hoc manerium habet suum placitum in aula domini sui."—*D. B.*, i. 265 b. It is proved in Ormerod's *Cheshire*, ed. 1882, iii. p. 342, that the name Morcar in the context is a mistake for Edwin.

<sup>2</sup> Thorpe, i. p. 517.

<sup>3</sup> "Pensandum autem erit omni domino, sive socam sive sacam habeat, sive non habeat, ut ita suum hominem ubique manuteneat, ne dampnum pro defensione, vel pro demissione dedecus, incurrat, juxta causarum modum, et locum diffinitum, aliquando in divisio vel in erthmiosis, aliquando super ipsam terram vicine, aliquando in curia domini, aliquando in hundreto vel hundretis, aliquando in comitatu, vel burgmoto, vel hallimoto."—*Op. cit.*, i. p. 554.

offence happened in those parts, or at the church of Alfreton, if the transgression were there, and nowhere else; and that by the view and award of good and lawful men, to be chosen by the respective parties.<sup>1</sup> The grant is undated, but it seems to belong to the thirteenth century. Here the intention was that actions in which the interests of the monastery were concerned should not be tried in the lord's court, but should be settled by arbitration at (*apud*) the church of the manor in which the cause of action arose.

In 1258 the court of the Abbot of Ramsay at Broughton was held every three weeks in a hall. We are told of a man coming into the hall in which the court was held (*venit infra aulam in qua curia tenebatur*). At the next court, held three weeks later, the same man is described as having been seen within the hall of the court, though he himself denied that he had been within its four walls.<sup>2</sup> This court was usually held before the bailiff, but on one or two occasions the abbot sat himself along with others. It is not certain what the building was.

An instance of a village court of justice which possibly was not held in the church occurs at Sodbury, in Gloucestershire, in 1240, when we read of a man paying rent for a house and curtilage near the sacristan's court of pleas.<sup>3</sup> The sacristan of Worcester Priory was patron of this church.

There is evidence that some judicial inquiries were held in a bay window, or oriel, of the lord's hall. About 1720 one of the Downes family, of Overton Hall, Cheshire, boasted that "he could bring all Taxall to his court to be kept in his compass window, commonly known by the name of the bay window, adjoining the house-place at Overton, where the courts had been formerly kept."<sup>4</sup> This

<sup>1</sup> Pegge's *Beauchief Abbey*, 1801, pp. 133, 234. A facsimile of this document, taken from a contemporary vellum copy, is given opposite the title-page of the present writer's *Beauchief Abbey*, 1878.

<sup>2</sup> *Select Pleas in Manorial Courts* (Selden Society), ii. pp. 66-7.

<sup>3</sup> "Quidam tenet domum cum curia juxta curiam Sacristæ ad placitum."—*Register of Worcester Priory*, p. 110 a.

<sup>4</sup> Earwaker's *East Cheshire*, ii. p. 532.

was not an unfounded boast or tradition. In 1272 certain rumours had come to the ears of Philip Bacun, bailiff of Henbury, in Gloucestershire, about a dead woman who had been found floating on the Severn. Thereupon the bailiff sent for five men, including one Roger of Horsinton, and put them in the stocks to inquire concerning the woman's death. But they refused to confess, and accordingly the bailiff "took the said Roger of Horsinton to the oriel of the hall of Henbury (*ad oriculum aule de Hembur'*), and there threatening the said Roger, said he would put him in prison unless he would confess about the death of the said woman, of whom he knew nothing."<sup>1</sup> Here the oriel seems to have been regarded as the lawful place where confession could be made to an *auricularius*, confessor, or secretary, and it may be that the so-called squints and low side windows in churches were used for a like purpose, especially where, as at West Tanfield, in Yorkshire, the squint in the chancel arch leads into a small stone cabinet,<sup>2</sup> in which a confessor, or even a bailiff, could have sat. Both in the hall and the church confession may have been made through a lattice.<sup>3</sup> Elsewhere the present writer has tried to show that the true name of a church squint was oriel.<sup>4</sup> Dr. Russell Sturgis, relying apparently on an article in a dictionary of architecture, says that one of the names of these apertures was *loricula*. But we are not told from what ultimate source this information is derived, and it is possible that the right word is *oricula* (the ear), which would become "oriel." On the other hand, the openings on each side of the chamber, or chancel, at St. Carmaig (see p. 67, *supra*) can hardly have been intended for confession, whether of a secular or religious kind. In some Cornish churches the squint and the so-called low side window are united, and this

<sup>1</sup> *Rotuli Hundr.*, i. p. 168 b.

<sup>2</sup> McCall's *Richmondshire Churches*, 1910, pp. 188-201, where a plan and illustration are given. The opinion expressed by the present writer on pp. 183-4 of *The Evolution of the English House* must now be abandoned.

<sup>3</sup> "Oriel" had sometimes the meaning of lattice, and some squints in churches are latticed. "Oryel of a wyndowe, *Cancellus, intendicula*."—*Prompt. Parv.*

<sup>4</sup> *Notes and Queries*, 9th Series, xi. pp. 301, 321.



window at Landewednack, and at Cury, is in an outside projection, which might be called a bay or an oriel, the projection at Cury being rounded like a segment of a turret. Just beneath the window at Landewednack is a rude block of stone, which would have been convenient for persons to stand on.<sup>1</sup> Of the various theories about squints, that which makes them places of confession, whether of a secular or religious kind, is by far the most reasonable, and it is almost certain that combined squints and low side windows were used for that purpose. The window is "low" to enable a man to speak through it; at Cury it is 4 feet 7 inches above the ground outside, and its dimensions are 1 foot 4 inches high, by 9 inches wide. We may note that, according to a German book printed in 1541, an old prophetess once dwelt in a very ancient fane, in the place where the town of Heidelberg then stood. She was rarely to be seen, and gave counsel to those who sought her through a window, her face being invisible.<sup>2</sup>

Here and there we read of courts being held in the chapel of a great house. "In the chronicles of the twelfth and even of the thirteenth century," says Turner, "there are frequent notices of the transaction of secular business in the domestic chapel."<sup>3</sup> In 1207 King John describes Godfrey the Spigurnel, an official connected with the sealing of the royal writs, as a servant of his chapel.<sup>4</sup> In 1221 a controversy between the Bishop of Glasgow and the monks of Kelso was settled in the chapel of the castle of Roxburgh.<sup>5</sup>

"In feudal England," says Dr. J. C. Cox, "the use of churches as courts of justice was almost universally adopted. . . . Manorial courts were not unfrequently held in churches. . . . The Scropton manor rolls, several of which are of Elizabethan date, prove that the courts

<sup>1</sup> Blight's *Churches of West Cornwall*, 1885, pp. 47-9, 83.

<sup>2</sup> Grimm's *Teutonic Mythology* (Stallybrass), i. p. 96.

<sup>3</sup> T. Hudson Turner, *op. cit.*, p. 17. "Acta sunt hec in capella manerii nostri."—Thorpe's *Registrum Roffense*, p. 606.

<sup>4</sup> W. H. Stevenson's *Asser*, p. 306, referring to *Rot. Chartarum*, p. 169 a.

<sup>5</sup> *Origines Parochiales Scotiæ*, i. p. 462.

of the manor were held in church. . . . We have found a series from the time of Edward III down to the last century in the churches of Yoxall and Alrewas." Numerous instances of court rolls in churches, going back to an early time, have been mentioned.<sup>1</sup>

<sup>1</sup> *Three Centuries of Derbyshire Annals*, 1890, i. pp. 390-1; W. Johnson, *Byways*, p. 168.

## CHAPTER X

### THE MUNICIPAL COURT-HOUSE

IT has been said that "one of the most remarkable characteristics of English architecture, though it is but a negative one, is the almost total absence of any municipal buildings during the whole period of the Middle Ages. The Guildhall of London is a late specimen, and may even be called an insignificant one, considering the importance of the city. There are also some corporation buildings at Bristol, and one or two unimportant town-halls in the cities, but there we stop."<sup>1</sup> Another writer says: "We look for town-halls in vain in France or England till the development of industry and knowledge had made the citizens of the large towns so wealthy and important as to enable them to raise the municipal power into an institution. . . . It is curious that in France, where the towns became of considerable importance during the Middle Ages, so few municipal buildings remain." The oldest town-hall in France is that of Saint-Antonin (Tarn-et-Garonne), but it was not built for a town-hall. That of La Réole (Gironde) is of the end of the thirteenth century.<sup>2</sup>

In England the erection of municipal buildings seems to have begun about the middle of the thirteenth century; most of them are considerably later. St. Mary Hall at Coventry was erected about 1340. A little before 1338 the lord of Glamorgan and his wife gave to the burgesses of Cardiff a piece of land in the High Street of that town, forty-six feet long and twenty-six feet broad, that they might build thereon a "house" called Sothall. The deed

<sup>1</sup> Fergusson, *History of Architecture*, 3rd ed., ii. pp. 199, 413.

<sup>2</sup> Chambers's *Encyclopædia*, art. "Municipal Architecture"; Enlart, *Manuel D'Archéologie Française*, ii. 305.

contained a proviso that the lord should have a proper and sufficient place in the "house" for the courts held by the bailiffs of Cardiff, as well as other courts. In this "house" the dues on all kinds of merchandise were to be received.<sup>1</sup>

The burgesses of Ipswich received a new charter from King John on the 12th of May 1200, and on the 29th of the following June the whole community of the borough, having assembled in the churchyard of St. Mary-at-the-Tower, elected two bailiffs to take charge of the provostship of the borough, four coroners, and twelve capital portmen (burgesses), just as there were in other boroughs in England. On Sunday the 2nd of July the bailiffs and coroners, with the assent of the community, appointed four lawful men of each parish who elected the twelve capital portmen. Other business having been transacted in the meantime, on Thursday the 12th of October the bailiffs, coroners, and other capital portmen, together with the whole community, came together in the church of St. Mary-at-the-Tower, where the bailiffs exhibited the common seal, which had been made afresh; when an alderman was elected; and when four persons were associated with him to govern the Guild Merchant.<sup>2</sup> The charter of A.D. 1200 is said to have been granted *de novo*, and is described as the new charter. St. Mary-at-the-Tower, otherwise St. Mary-le-Tower, is the principal or "metropolitan" church of Ipswich. It would be hard to say where the governing body of this town sat if not in church. A Court of Petty Pleas sat in the Guildhall in 1420, and in 1520 we are told of "the Towne House otherwise callid the Moote Hall," but it is remarkable that in the numerous documents of which copies or abstracts have been given by the Historical Manuscripts Commission there should be no earlier mention of a Guildhall, or Moot Hall. Moreover, as will be seen presently, the guild and the governing body of a town were not identical. From 1283 to 1420 we hear of wills proved

<sup>1</sup> *Cartæ et Munimenta de Glamorgan*, i. p. 290.

<sup>2</sup> Gross, *The Gild Merchant*, i. pp. 23 f.; ii. pp. 116-23.



before the bailiffs, coroner, and other true men "in the court of Ipswich."<sup>1</sup>

We learn from the statutes of the Guild of Berwick-on-Tweed, which deal with the election of mayor and the government of the town, that on the 21st of March 1281, it was ordered in the church of St. Nicholas that no woman should buy more than one caldron of oats in the market for making ale to sell.<sup>2</sup>

During the latter half of the fourteenth century, and probably both before and after that period, the meetings of the commonalty of Hedon, an old borough near Hull, were held in the chapel of St. James. In the oldest existing Court Book there are notices of meetings of the commonalty from 1360 to 1382. The first three meetings recorded are simply stated to have been held at Hedon. A meeting, however, held in 1361 is expressly described as "held in the chapel of St. James," and from this time to the end of the volume every meeting held for the purpose of electing the town's officers is distinctly stated to have been held in the same place. The chapel of St. James, which was one of the three parish churches of Hedon, has been destroyed long ago, but the outlines of its foundations may still be dimly traced. It was a cruciform structure, with a central steeple, and the nave had aisles.<sup>3</sup>

There was another court-house in Hedon known as the Hall of Pleas (*Aula Placitorum*) which was repaired and maintained by the burgesses. It was built of wood, and its gable is said to have been plastered in the fourteenth century. In this building the Wapentake or Hundred Court of Holderness was held. Here too the mayor, bailiffs, and burgesses sat, so that they appear to have divided their business between St. James's chapel and this hall. The Hall of Pleas is said to have stood on the Old Market Hill, which is near St. Augustine's church, but its exact position does not appear to be known. It is

<sup>1</sup> *Ninth Report of Historical MSS. Commission*, Appendix, pp. 225, 227, 228, 243.

<sup>2</sup> Gross, *op. cit.*, i. p. 237.

<sup>3</sup> Boyle's *Early History of Hedon*, 1895, pp. 61, 149, 151. The words describing the place of meeting at the first reference are "communitas tenta in Capella Sancti Jacobi, &c."

mentioned in 1280 as "aula." Beneath the building was a prison, and beneath it also in 1451 were three shops. There was a Hall of Pleas at Middlewich, in Cheshire, in 1435. On the other hand there was a church in Lincoln called St. Peter *ad Placita*, where courts must have been held.

In the fourteenth and fifteenth centuries the town-council of Northampton regularly met, for the purpose of transacting business, in the church of St. Giles. In the printed records these meetings extend from 1381 to 1467. In the earlier years of this period the meetings in church were sometimes held on Sunday, but about the middle of the fifteenth century they were held on Wednesday. In 1509 the municipal court is described as held "in the town of Northampton," and in 1511 it sat in the Guildhall. The council at first consisted of a mayor and twenty-four burgesses. It is strange to hear of the town-council sitting in church on a Sunday in 1381, and making an ordinance about the horse-bread used by innkeepers, and, in 1457, to find them ordaining in church that pigs should not run about the town. There was a religious element in these meetings. Thus in 1467 an ordinance about fishmongers and their stalls is said to have been made "to the honour of God the Father Almighty." Another court, called the Court of Hustings, sat in Northampton at this period. This, however, was not the council-house of the governing body of the town. Guild administration and borough administration were distinct conceptions; the guild was a subordinate branch of the town-council. Many persons were members of such a guild who were not burgesses at all. In London the Court of Hustings was a court of common pleas, of probate, of appeal against the decisions of the sheriff, and a court of record for the formal conveyance of property. As appears in the records of the borough, the customs of Northampton were copied in many respects from those of London.<sup>1</sup> As time went on many a guild-hall became the town-hall.

<sup>1</sup> *Records of the Borough of Northampton*, i. pp. 199-331. For the non-identity of the town-council and the guild, see Gross, *op. cit.*, and A. H. Leach in *Beverley Town Documents* (Selden Soc.).

It is obvious that the church of St. Giles at Northampton was the town-hall of the governing body. We are not, however, told in what part of the building the council sat.

In the *Mayor's Calendar* of Bristol, compiled by Robert Ricart, town-clerk of that city in 1479, there is a picture of the induction of the mayor, in which the commonalty are represented as standing outside the bar, and the mayor, aldermen, and other officials within.<sup>1</sup>

In 1407 the vicar of New Romney paid the jurats (the mayor and corporation) of that town 3s. 4d. to induce them not to hold their meetings in church whilst divine service was being performed.<sup>2</sup> The parish church of St. Nicholas at New Romney, which is probably the church here referred to, "looks as if three smaller churches had been placed side by side to make one big one." In other words, it consists of three oblong halls, with pointed roofs, which have been described as "chancels of equal length." Each of these "chancels" has a separate entrance, and the buildings are separated from each other internally by dwarf walls. It has been said that in this church "three congregations might worship without disturbing one another." It will be understood how in such a church the jurats might hold a meeting in one part whilst divine service was going on in another, though dwarf walls would not entirely prevent the emission of sound. There is a tower at the west end of the middle "chancel." At the present day the mayor is elected in the church, the coming event being announced the evening before by the sound of a trumpet. At the election the jurats assemble round the altar tomb of Richard Stuppenye, a jurat who lived in the reign of Henry VIII. The tomb contains the following inscription:

"Here lyeth buried the bodye of Richard Stuppenye jurate of this towne in [the] first yeare of K. Hy. viij. who dyed in the xvij yeare of the sayde kynges reigne of whose memorye Clement Stuppenye of the same port his great-grandsonne hath caused this tombe to be new erected for

<sup>1</sup> See the engraving in Nicholls and Taylor, *Bristol Past and Present*, iii, p. 268.

<sup>2</sup> *Hist. MSS. Commission*, v. p. 537.



the use of the ancient meeting and election of maior and jurats of this port towne June the 10th. Anno Dm. 1622."

This Clement Stuppenye who rebuilt his great-grandfather's tomb to be used, apparently as a table, at the election of the mayor and jurats of New Romney, and at their meetings, is himself commemorated by a large altar-tomb in Lydd church, three miles distant. It now stands in the middle of the north chancel, at present used as a vestry. Around it the jurats of Lydd assemble annually on the day of St. Mary Magdalen (July 22) to elect the bailiff of their town. This tomb formerly stood in the south chancel.<sup>1</sup>

On the first Monday after St. Andrew's Day (Nov. 30), the deputy-mayor of Brightlingsea, near Colchester, is elected in the church tower. The jurats ascend a stone staircase leading to the belfry, where they choose both the deputy-mayor and new freemen, each of whom pays a fee of 11*d*. The deputy-mayor has a robe and chain of office made of golden oysters and silver sprats.<sup>2</sup> This seems to be a worn-down survival of an ancient custom.

In former years mayors did not condescend to be elected in belfries; they were elected in the chancel. The mayor of Folkestone was chosen annually on the 8th of September. Early in the morning the town serjeant sounded the horn at the residence of every jurat and commoner, summoning them to assemble that day in the churchyard to elect a new mayor for the year ensuing. After attending divine service in the morning, the retiring mayor and jurats withdrew to the cross or pedestal in the churchyard, where the commoners and freemen were assembled. The old mayor shortly addressed them, and requested them to depart into the chancel of the church, and elect a new mayor, which they accordingly did. If either the mayor or any of the jurats refused to assume their respective offices upon being elected, the commons, as

<sup>1</sup> *Notes and Queries*, 10th Series, xii. p. 377, referring to *Archæologia Cantiana*, xiii. pp. 441, 475.

<sup>2</sup> *Notes and Queries*, 9th Series, xii. p. 506; *Yorkshire Weekly Post*, Dec. 12, 1908.



at Hastings, were to go and beat down their principal messuage.<sup>1</sup>

Before 1357 it had been customary of old time to elect the mayor of Dover yearly on the feast of the Nativity of Our Lady (Sept. 8). On that day the common horn was sounded in fourteen different places of the town to summon the Common Assembly in the church of St. Peter, where the common box, the seal, and other muniments were taken. If the mayor chosen were present, and refused to take office, the commons could pull down his chief messuage. The church of St. Peter stood on the north side of the quadrangle in which the markets were held, and it was in a dilapidated state in 1583. In subsequent years the mayor was elected in St. Mary's church, and sat, along with the jurats, in the chancel during divine service. The Rev. John Lyon, who was minister of this church, wrote thus in 1813: "The first thing that strikes the attention of a stranger, on his entering this church in service time, is seeing the mayor placed at the east end, where the altar ought to be, and above the communion table, and the magistrates on the right and left hand of him." He says that the election of mayor first took place in this church in 1583. But Edmund Moody, bailiff of Dover, left instructions in his will, proved in 1552, for his body to be buried in the chancel of St. Mary's "where the aldermen sit." It is clear, therefore, that the corporation had already occupied the chancel with their seats.<sup>2</sup> We are reminded of the Roman prætor, or chief magistrate, and the judices sitting round the tribunal of a Roman basilica.

Strenuous attempts were made to remove the corporation from the chancel of St. Mary's. A bill was twice brought into the House of Commons for this purpose, and twice rejected. It was opposed by the corporation, and Sir Charles Banbury, a member of Parliament who took their side, said that he could not see why the members of Parliament for the borough should not be elected in the

<sup>1</sup> Gomme's *Primitive Folk-moots*, p. 153, referring to the *Appendix to the Report of the Commissioners on the Public Records*, viii., 1837, p. 435.

<sup>2</sup> Statham's *Dover*, 1899, p. 201. Cf. p. 188, *supra*.

church. In his speech he is reported to have used these words: "Sir, our pious and rational ancestors contented themselves with this mode of election; why then are we to put counties and boroughs to the great expense they must necessarily be at, if this bill should pass into law? Nor can I see why the electors themselves should not meet in a church, when we, the elected, meet in a chapel." The bill was rejected, and in 1683 the churchwardens summoned the mayor and corporation to appear in the Consistory Court of Canterbury, and prayed the judge to order the removal of "the several seats standing at the east end of the chancel." But the mayor and corporation pleaded "that the seats standing at the east end of the chancel are very ancient seats which, time out of mind, were used by the mayor and jurats of the town." These and other subsequent proceedings were unsuccessful, and in 1805, "after expending about a thousand pounds, both parties were heartily sick of the business." It was evident that the ecclesiastical court was powerless, and that nothing could be done without the help of Parliament. In 1826 an Act of Parliament ordered the mayor to be elected in the town-hall, and the seats of the corporation were removed ten years later. These changes were not effected without violence.<sup>1</sup>

In 1301, and probably long before that date, the mayor of Sandwich was chosen in St. Clement's church, and the Custumal of that town gives the following account of the manner of his election: "On the Monday next after the Feast of St. Andrew the Apostle, the common horn is sounded, about one o'clock, by the sergeant, at the fourteen usual places, who makes a proclamation to this purpose: Every man of twelve years or more, go to Saint Clement's church, there our commonalty hath need; haste, haste. When the mayor of the preceding year and the jurats and commonalty are assembled in the church, and the sergeant has brought his horn, the mayor takes his stick and the horn from the sergeant, and the keys of the chest from the

<sup>1</sup> Lyon's *Dover*, i. pp. 92 f.

two jurats, the keepers, and puts them near him. He then addresses the commonalty in a speech, desiring them to proceed to a new election." The election was decided by a plurality of votes, and afterwards the mayor and jurats took the oath. If the mayor after being elected refused the office, the commonalty, after three notices, were to pull down his house, and a jurat who refused to be sworn was to be punished in the same way. Pleas of land were held in this church once in three weeks.<sup>1</sup> The bailiff sent to Yarmouth, says the Custumal, was formerly elected at a common assembly held yearly in St. Clement's church.

In the afternoon of the day on which the mayor was elected, or the next day, the old mayor of Sandwich sent to the new mayor the common chest, the standard bushel, and all the standard weights and measures, and the new mayor sent his sergeant to summon the jurats to meet him the following Thursday at St. Peter's church on the common business of the day (*pro negociis communibus que sequuntur*). Meetings about the supervision and management of the estates of orphans were held every Friday, when necessary, in St. Peter's church before the mayor and two or three respectable persons, attended by the town clerk, who recorded the proceedings. The acknowledgments of married women who had property to sell were taken before the mayor and jurats in this church, and they had jurisdiction over the estates of intestates.

The election of mayor continued to be held in St. Clement's church till 1683, when the practice was forbidden by an order of the king. The order states that upon such elections "several horrid inconveniences" had been committed in the chancel, and "even upon and about the communion table itself." Thenceforth meetings to elect the mayor and "other similar occasions" were to be held in the town-hall upon pain of the king's high displeasure. Nevertheless a subsequent attempt was made to hold the election in St. Clement's church. A few years ago the

<sup>1</sup> *Borough Customs*, ed. Bateson (Selden Soc.), p. ii. 49.



most conspicuous object in the church was the mayor's seat, with the royal arms above it. The pulpit was at the west end.

Both St. Clement's and St. Peter's were used by the mayor and jurats for the ordinary business of the corporation, but the Hundred Court sat exclusively in St. Clement's. All actions were cognisable by this court, as well between strangers as between freemen, especially pleas of land: and all causes could be heard and settled here by simple plaint made to the bailiff as well as in the king's court by his writ. The Hundred Court was held by the bailiff, a king's officer, by the consent of the mayor and jurats. The Hundred, according to Dr. Gross, was a common designation for the chief municipal court in England, Wales, and Ireland.

Architecturally St. Clement's differed little from that form of church which consists of an oblong hall with chancel, central tower, and north and south aisles, but the plan of St. Peter's resembled that of the church of St. Nicholas at New Romney, just referred to. As shown in a plan dated 1787, there was a narrow building on the north side of St. Peter's which Boys describes as an aisle. But the so-called aisle was in fact separated from the body of the church by a wall containing large openings, or windows. "It has puzzled many people," says Boys, "to account for the purpose of these large windows; and it may not be easy to determine whether they were originally designed to convey sounds from the nave to the iles or light from the iles to the nave." There was formerly also a so-called aisle on the south side of the church, with openings in its dividing-wall like those in the corresponding wall on the other side. It was demolished, however, by the fall of the tower in 1661. The north aisle had a separate entrance in its north wall, and its separation from the body of the church may indicate that the corporation held their meetings in a separate part of the building, for examples will presently be mentioned where the town-hall consisted of an annexe of the church on one of its long sides.



St. Peter's is a rectory, formerly in the alternate presentation of the abbot and convent of St. Augustine's at Canterbury and the corporation. In 1227 a controversy arose between the abbot and the men of Sandwich about the right of presenting to this church, and it was settled by arbitration that the abbot and the town should present alternately.

When Boys published his *History of Sandwich* in 1792 the clock of St Peter's was the property of the corporation, and the man who repaired it had a salary from the revenues of the town. Curfew is still rung there at 8 P.M. In 1532 the curate of St. Peter's and the chantry priests and churchwardens were committed to prison by the mayor and jurats for neglecting their duty on St. Bartholomew's Day, and in 1564 the mayor and jurats decreed that the church should be appropriated to the Flemings, on account of the plague. One of the bells was rung for every council meeting, and a decree was made in 1534 that when the mayor came into the hall a bell at St. Peter's called the brandgoose bell should begin to ring, and ring for half an hour.

About a mile to the north-east of Sandwich there was an ancient town called Stonar, long a considerable port, its site being now marked by a solitary farmhouse and the foundations of a ruined church covered by a grove of trees. In this church in 1301 the mayor and jurats of Sandwich appointed a deputy in the week after the election of mayor in that town "to execute the office of mayoralty there in holding courts and in following the ordinances and customs used at Sandwich."

The ancient *Custumal of Sandwich*, from which the accounts of the use of St. Clement's and St. Peter's as town-halls in that place, and of the use of Stonar church for a similar purpose, have been taken, was written in 1301. But inasmuch as it refers to such customs as drowning female criminals in a river, and burying thieves alive on the downs, it must be of much earlier origin.<sup>1</sup>

<sup>1</sup> Boys's *Sandwich*, pp. 429, 529, 431, 345, 511, 308, 298, 346, 310, 311, 673, 545, 495, 784; Murray's *Handbook for Kent*, 1892.

The mayor of Fordwich, near Canterbury, was elected in the church of that town in the fifteenth century. On the Monday after the Feast of St. Andrew the Apostle, the mayor caused the church bell to be rung, so that the whole community might assemble at its sound. When the mayor of the past year, the jurats of the town, and the whole community were assembled in the church, the mayor addressed them in a set form of words, and then the community told him to rise and go outside. This he did, and three freemen went with him. Then a man rose and said: "Good sirs, behold our four combarons whom you have chosen before others as worthy to fill the office of mayor. Say, in the name of God, which of the four you will choose." Then the freemen, at first sitting on the four benches (*sedentes per quatuor bancos*), and afterwards all standing up, made their choice. Two of the freemen were then deputed to inform the mayor of his election, and conduct him to the church, where the oath was administered. This custom of electing the mayor of Fordwich in church survived to the early years of the eighteenth century. The mayor and jurats had the custody of the estates of orphans under age, and it was ordered that they should sit together upon those matters four times in a year at the least in the church, or in any other place which should be more convenient. From the thirteenth century suits about the right to real estate were determined before them.<sup>1</sup>

The mayor of Salisbury was elected in the sixteenth century in the church of St. Edmund the Martyr.

When a man fled to the church as a place of refuge, the mayor, or the coroner, went to examine him. If he confessed a felony it was entered on record, and all his goods were forfeited to the king. He could remain in the church forty days, if he chose, and at the end of that time abjure the kingdom at the church door, take a cross, and depart from any port which he might select.<sup>2</sup> If a malefactor

<sup>1</sup> Woodruff's *History of Fordwich*, 1895, pp. 53-5, 58, 222-4, 237-8, 246-8.

<sup>2</sup> Customals of Dover and Canterbury in Lyon's *Dover*, ii. pp. 271, 316; *Termes de la Ley*, ed. 1671, p. 165.

took sanctuary, the four neighbouring townships had to watch the church and prevent his escape ; thus in 1221 the townships of Stone, Heath, and Dunclett, near Kidderminster, failed in their duty in this respect.<sup>1</sup> About the year 1300 the bailiffs and coroners of Waterford caused the neighbours to be summoned to watch a church in which a criminal had taken refuge.<sup>2</sup> But exemptions were sometimes obtained. In 1340 the burgesses of Cardiff obtained exemption from the duty of watching fugitives who had fled to churches outside the walls of that town.<sup>3</sup>

The mayor of Dover claimed the right of administering the estates of intestates, wills being proved before the archbishop's commissary. But after administration had been granted, neither the archbishop nor his commissary had anything more to do with the business. The mayor caused the parties to come before him, and make an inventory, and he could, if he pleased, acquit the executor under the seal of his office.<sup>4</sup> The Lord Mayor of York had jurisdiction in equity as well as law. A Court of Chancery was held before him, in which suitors proceeded, as in the High Court of Chancery, by bill, answer, replication, and rejoinder.<sup>5</sup> A full list of the mayors, bailiffs, and sheriffs of York has been preserved from 1273, and an imperfect list from about 1140. Where the corporation sat from the twelfth to the fifteenth century appears to be unknown, but the present Guildhall was built in 1445, jointly by the mayor and commonalty and the master and brethren of the Guild of St. Christopher, which had been founded in 1375. In 1446 another brotherhood, called the Guild of St. George, was added to that of St. Christopher. These bodies had power to purchase lands, and out of their income they had to repair certain highways and bridges, and to relieve the poor. Their revenues amounted at the suppression of monasteries to £16, 15s. 8d., and property belonging to them, excepting advowsons of churches, was granted to the

<sup>1</sup> Pollock and Maitland, *History of English Law*, i. p. 531 ; ii. p. 588.

<sup>2</sup> *Borough Customs*, ed. Bateson, ii. p. 34.

<sup>3</sup> *Cartæ et Munimenta de Glamorgan*, i. p. 300 ; ii. p. 48.

<sup>4</sup> Lyon's *Dover*, ii. pp. 308, 277.

<sup>5</sup> Drake's *Eboracum*, p. 198.



mayor and commonalty in 1549 for £212 odd. Many times the Dean and Chapter objected to the mayor's ensigns being carried into the cathedral, one of these being a sword with its point upwards. In 1637 Charles I ordered that such ensigns should not be used in the cathedral, or that when the Lord Mayor and Aldermen were allowed to enter the cathedral it must be with the point of the sword debased, and with the mace unshouldered. This order was made in Archbishop Laud's time. The Lord Mayor and Aldermen formerly sat, during divine service, in the choir stalls on the north side. After 1684 they sat on the opposite side.<sup>1</sup> In 1606 the sub-dean of Chester attempted to put down the mayor's sword when borne into the cathedral of that town, but the king's commissioners ordered the ecclesiastic to apologise.<sup>2</sup>

During the early years of the last century the mayor of Derby was elected in the north aisle of All Saints' church. Queen Mary in 1553 granted a portion of the property which had belonged to this ancient collegiate church, which existed in the eleventh century, to the corporation, directing that the bailiff and burgesses should pay the stipends of two priests, and that two vicarages should be instituted in the church. These were afterwards united into one vicarage in the gift of the corporation. When the Corporation Reform Act became law in 1835, it was no longer possible for municipal bodies to retain property in advowsons, and that of All Saints' church was sold to the Simeon Trustees. Underneath the chancel is a spacious vault, called the Town Vault, in which many families had their place of interment, a small acknowledgment having been paid to the corporation in respect of each burial.<sup>3</sup>

In 1619 the Bailiffs of Great Yarmouth and their brethren, then called the Four-and-twenty, and afterwards, by a charter of King James, Aldermen, were placed in the chancel of the parish church, during divine service, on the

<sup>1</sup> Drake's *Eboracum*, pp. 329, 359, 553, 557, 189, 556, lxxii, 522.

<sup>2</sup> Morris's *Chester*, p. 184.

<sup>3</sup> Lysons's *Derbyshire*, pp. 118 f.; Glover's *Derbyshire*, ii. p. 465; Cox's *Churches of Derbyshire*, iv. p. 79.



south side. On the north side of the middle chancel were the Eight-and-forty, afterwards known as the Common Councilmen. "To both which companies did one minister read both the chapters of the Old and New Testament, with an audible voice and very distinctly, whilst another minister did the like to the residue in the body of the church assembled. And at the time of the Litany, the whole number of the said Four-and-twenty and Eight-and-forty repaired into the body of the church, in the middle aisle, there humbly kneeling and devoutly praying till the same was ended." At a later time the aldermen's gallery ran along the south wall of the south aisle, with the mayor's stately seat at its east end, close to the pulpit, before leaving which, the clergyman was expected to, and did, pay due respect to his worship. The borough rolls are full of entries respecting the repairs and enlargement of this church from time to time. In 1734 the mayor, being offended by a sermon preached in the church, called the town-council together, and told the preacher that he should never come into the pulpit again. A parsonage was erected by the corporation in 1718, and is described on an old plan as "the corporation's house for the curate." In 1848 the corporation passed a resolution to sell this building, and apply the proceeds of sale to municipal purposes. They provided the surplices and hoods of the incumbents.<sup>1</sup>

The ancient church of St. Nicholas at Aberdeen, which has been described as the finest parish church in Scotland, has always belonged to the town, and is still under the charge of the provost, magistrates, and town-council. Before the Reformation the town-council sat in the chancel, or choir, of this church on Sundays and festivals. In 1463 a certain burgess was ordered, for rebellious conduct against the alderman, to remain in the tollbooth all night, and on a Sunday to come with bare feet, loose gown, and a candle of a pound of wax in his hand, to St. Nicholas church in the time of high mass. He was there to offer the candle to the altar, and ask forgiveness of the

<sup>1</sup> *St. Nicholas Church, Great Yarmouth*, published by E. J. Lupson of that town, n.d.; Palmer's *Perlustration of Great Yarmouth*, i. pp. 42, 53, 163-4.

alderman and council. He was also for a year to give a pint of wine to the church weekly. In 1523 a man who had disobeyed the baillies, and used bad language, was ordered to appear on Sunday at high mass, with bare feet and bare head, to offer a candle of wax to their patron St. Nicholas, and to fall on his knees beseeching the provost and good town to forgive him. In the following year a woman who had slandered a neighbour was ordered to appear on Sunday in the high church (choir), at the high mass, clad in linen clothes, with a torch of three pounds of wax burning in her hand, and with bare legs, and there, before the pulpit and the provost and good men of the town, revoke the words she had used, and confess that they were false. In 1549 a man was ordered to come on Sunday, in the time of high mass, within the choir of the burgh, and ask forgiveness of the provost, baillies, and council. In 1555 two women had to appear at high mass, with candles in their hands, and fall on their knees in the choir before the good men of the town, and ask forgiveness of a man and his wife whom they had slandered. These "good men" are the "good and lawful men" of English documents who so often constituted a jury or local council. After the Reformation, which began in Scotland in 1559, the practice of asking forgiveness of the town-council in the chancel was somewhat altered. In 1562 certain persons were ordered to appear in the parish church, and there, immediately after the preaching, to ask forgiveness of God and the congregation. There were twelve pillars in the choir, and in 1591 we are told of a "pillar of repentance." In 1613 three men were ordered to come to the old church on a preaching day, and there, immediately after the ending of the sermon, and before the blessing, to rise from their seat in the rood-loft, come before the pulpit, and ask pardon of God; they were then to turn themselves towards the magistrates' desk, and crave pardon from the provost, baillies, and council. In 1532 an assembly of the whole town discharged the singers in the choir who received payment from the town, except an aged singer who had been an old servant. In 1547 the provost and

baillies discharged all their "feallis," meaning servants who were "fee'd" or hired for a time, within their choir of all the payments they had from the town at the town's will, and directed their deans of guild to pay none of them any fee until further notice. In 1555 a singer in the choir is described as the servitor of the town-council. The town-council made thirty-four stalls in the choir in 1507 at a cost of £200, and in the next year we find them buying lead for the roof of the church, and its "tofallis," or adjuncts. In 1596 the carved work between the pillars in the choir was removed, and a stone wall built between the choir and the body of the church, thus dividing it into the East and West churches. The records of the town-council begin in 1398, and in that year, and for many years afterwards, they sat on week-days in the tollbooth, or *prætorium*, as it was called in Latin documents. This building consisted of a council-house, with six merchant booths on the lower floor, and a steeple. The tollbooth had been erected in pursuance of a licence from King Robert; the earliest king bearing that name was Robert Bruce, so that it cannot have been built before the fourteenth century. Between 1543 and 1553 the council often met in the chapter-house of their parish church of St. Nicholas; in 1556 it met in the chapter-house of the Grey Friars. The practice of falling on the knee and asking forgiveness of the provost and baillies was not confined to the church alone; we find it in the tollbooth in 1488 and 1582, but without the candle and other accessories.<sup>1</sup> In the records of the burgh the burgesses invariably speak of the church as *their* church, and of the choir as *their* choir.

Before the erection of a tollbooth at Aberdeen the church itself was, in all probability, the council-house of the burgh. When we find the town-council sitting in the choir on Sunday, and there pardoning delinquents who came before them, we may be sure that, at an earlier time, it had been their usual place of meeting. One of the

<sup>1</sup> *Extracts from the Burgh Records of Aberdeen* (Spalding Club), 2 vols.



Articles of Inquiry made "in each and every diocese of the whole kingdom of England" in 1253 was "whether the laity insist upon standing in the chancel with the clergy."<sup>1</sup> In 1303 we find a monkish author declaring that holy church will forbid laymen to stand in the chancel whilst men read. Whosoever, he says, is accustomed to do so, though he be of great power, sins against the ordinances of the clergy.<sup>2</sup> These ordinances did not apply to the old system of purgation by oath, which seems to have been practised in the chancel. Thus in 1458 William Godthank, accused of theft, appeared in Gnosall church, Lichfield, with eight of his neighbours, and standing before the altar swore that he was innocent, and his neighbours that they believed him, whereupon the bishop threatened excommunication against any one who should in future slander him.<sup>3</sup>

In 1582 the Head Court of the borough of Elgin was held in the choir of the parish church.<sup>4</sup>

In 1590, upon a question as to the Earl of Shrewsbury being considered as the High Steward of Doncaster, the matter was propounded to the common council called for that purpose "before Mr. Maior in the chancel" of St. George's church. In 1804 the aldermen were elected in the vestry of that church. Leland, who wrote in 1533-9, informs us that there was "an old stone house at the est ende of the chirch of S. George now used for the town house: the which, as sum suppose, was a pece of the building of the old castle, or made of the ruines of it." In 1637 the corporation ordered that the "town-hall" in the churchyard be re-edified by the chamberlains, and that the schoolmaster have the same to dwell in.

There was a church in the market-place of Doncaster, formerly known as the Chapel of St. Mary Magdalen, which has had a remarkable history. We first hear of it in 1154, when it was used as a hall of justice in which

<sup>1</sup> *Annales de Burton*, ed. Luard, p. 308.

<sup>2</sup> Robert of Brunne's *Handlyng Synne*, 8805-16.

<sup>3</sup> E. L. Cutts, *Parish Priests and their People*, p. 545.

<sup>4</sup> "Curia Capitalis tenta in choro Ecclesie parochialis burgi de Elgine."—C. M. Stopes, *The Sphere of Man*, 1908, p. 42.



Richard de Luci, the king's justiciar, sat to hear a case in which the parties came to an agreement before him. What was the original endowment, if any, of the chapel does not appear, but in 1413 and 1490 lands were settled on a chaplain who was to say masses and obits, and these lands, together with the building, were seized by the commissioners of Edward VI. The chapel, with the chapel yard and croft, were included in a grant to Thomas Reve and George Cotton of London, who conveyed them in 1552 to Ralph Bosvile. By him they were conveyed to John Symkinson, who in 1557 granted them to the corporation. The chapel was falling into ruins when, in 1575, the north and south aisles were taken down, and the nave and chancel fitted up as a court of justice and a grammar school. Finally the building was used as a town-hall, which was taken down in 1846. When the exterior pebble dash was removed, indications of an ancient building began to appear, and, as the work proceeded, the relics of a very fine Norman church, standing east and west, were revealed. The nave had six semi-circular arches on each side, supported by seven circular columns, and above the arches were deeply splayed clerestory windows. The chancel arch had been gracefully decorated in red colour.<sup>1</sup>

Sometimes the municipal court sat in an annexe of the church instead of in the church itself. Adjoining the south side of St. Peter's church in Chester, and extending from one end of it to the other, was a building called the Pentice, or Pendice. The Pentice was removed in 1803, but Randle Holme, a Cheshire antiquary who lived in the seventeenth century, made a drawing of the church and its annexe as they appeared in his time. This drawing, reproduced in Fig. 33, shows that the Pentice, excepting the arched doorway by which both it and the church were entered, was built of framed timber, the church itself being of stone. In 1555 a man paid rent to the corporation for a

<sup>1</sup> Jackson's *History of St. George's Church, Doncaster*, p. xxiv; Wainwright's *Stafford and Tickhill*, pp. 40, 74; Hunter's *Deanery of Doncaster*, i. pp. 20 f.; Jackson's *History of the ruined Church of St. Mary Magdalene discovered A.D. 1846 within the old Town Hall of Doncaster*.

chamber over this doorway, and there was a row of shops, chiefly occupied by ironmongers, at the foot of the Pentice. The rents of three of these shops were devoted to the repair of the church. In a book published in 1656 we are told

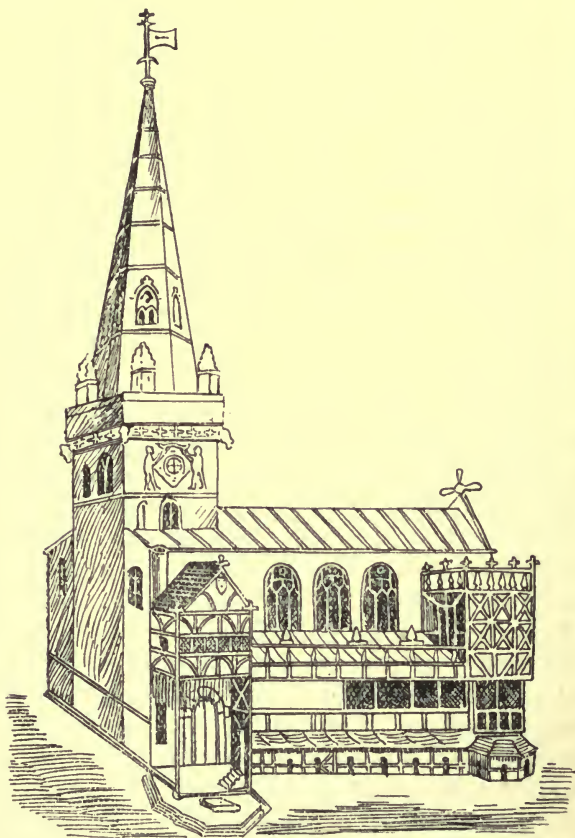


FIG. 33.—The Pentice and St. Peter's Church, Chester.

that the mayor "remaineth most part of the day at a place called the Pendice, which is a brave place built for the purpose, at the high cross, under St. Peter's church, and in the midst of the city, in such a sort that a man may stand therein and see into the markets of four principal streets of the city. There sit also (in a room adjoining)

his clerks for his said maior's courts: where all actions are entered and recognisances made and such like." Another writer tells us that in "1497 the North syde of the Pentice was new buylded, and, in 1573, the Pentice was enlarged, and the inner Pentice made higher, the nerer made lesser."<sup>1</sup>

The municipal court was held in the Pentice by the mayor, alderman, sheriffs, and common council, who exercised an almost despotic authority. "The Pentice Court," says Dr. Morris, "held by the sheriffs, and traditionally believed to have been the oldest of the city courts, was chiefly concerned with the acknowledgment of debts, but also took cognisance of misdemeanours and petty crimes." A document of the year 1404 speaks of the Portmote Court or Appentice Court (*curia Portmoti seu Appenticii*), and the Court of Portmote is mentioned in a charter of the thirteenth century. In 1554 the chief town-clerk of Chester was "cheefe clerke as well of the pentice court as also of the portmote court, crowne mote and countie courts" of the city of Chester.<sup>2</sup> According to Lysons the first roll of the Pentice Court is of the year 1282.

The repairs of St. Peter's, as the principal city church, were in the Tudor period undertaken by the civic authorities. The church belonged to the burgesses when Domesday Book was compiled. The Survey tells us that "the ground on which the temple of St. Peter stands, which Robert de Rodelend claimed as thaneland, never, as the earl's court proved, belonged to the manor without the city, but it belongs to the borough, and was always subject to the payment of customary rent to the king and earl like the land of other burgesses,"<sup>3</sup> meaning the burgesses of other

<sup>1</sup> Hemingway's *History of Chester*, 1831, ii. p. 84; King's *Vale Royal*, p. 39; Morris's *Chester in the Plantagenet and Tudor Reigns*, p. 200, referring to Harl. MS. 2135; also p. 251.

<sup>2</sup> Morris, *op. cit.*, pp. 186, 198, 199, 205, 572.

<sup>3</sup> "Terra in qua est templum Sancti Petri quam Robertus Rodelend clamabat ad teinland, sicut diratiocinauit comitatus, nunquam pertinuit ad manerium extra ciuitatem, sed ad burgum pertinet, et semper fuit in consuetudine regis et comitis sicut aliorum burgensium."—*D.B.*, 262 b, col. 2.

towns. St. Peter's church, sometimes called St. Peter at the High Cross, stands at the junction of the two great streets which crossed each other in the middle of the Roman city, and led to its four gates. Pennant, writing about 1780, imagined that the church, and a few houses to the north and west, occupied the site of the prætorium. He said: "The *augurale*, where prayers, sacrifices, and other religious rites were performed, might have stood on the site of the modern church; and the general might have had his tribunal on the very spot where the worshipful corporation at present sit for the redress of grievances."<sup>1</sup> The conjecture was not unreasonable. According to Josephus, the consul's tent, or prætorium, had a roof like a temple,<sup>2</sup> and this feature, along with others, may have been preserved when the camp of Chester became a permanent city, and the prætorium a permanent official residence. The long-buried Roman town of Templeborough, near Rotherham, which has been partly explored, and in which the columns of a building which may have been a prætorium were discovered, seems to preserve in its name the fact that such a structure may have been called a temple. A tribunal, according to Professor Haverfield, formed, as it were, an official annexe to the Hyginian prætorium.<sup>3</sup> It is not unlikely that the Pentice at Chester was the later representative of such a tribunal. Near the centre of an oblong enclosure which surrounded the Roman town of Isurium (Aldborough, near Ripon) is a church. It stands in the place where we should expect the prætorium to have been. In the second half of the twelfth century the church of St. Peter was given by Symon Fitz Osbern to the monks of St. Werburgh in Chester, and in the reign of Henry III (A.D. 1216-72) a pension of 60s. a year was paid from the church to the monastery.<sup>4</sup>

In 1455, and perhaps long before, a building in Gloucester, known as the Tolsey, adjoined the north wall of the

<sup>1</sup> Hemingway, *op. cit.*, i. p. 407.

<sup>2</sup> *De Bello Judaico*, iii. pp. 5, 2.

<sup>3</sup> *Melandra Castle* (Manchester University Press), p. 70.

<sup>4</sup> Sir George R. Sitwell's *The Barons of Pulford*, p. 64; Gastrell's *Notitia Cestrensis* (Chetham Soc.), i. p. 119.



chancel of All Saints church, which stood at the High Cross where four streets met. By a recent examination of the remains of this building, assisted by the records of the corporation, it has been possible to show the position of the Tolsey in 1455, and the various changes which have taken place since that date. A plan (Fig. 34), prepared by Mr. Medland, of Gloucester, shows the church and Tolsey as they appeared in that year. The Tolsey was but a small building, and there were two shops between it and the church porch. In 1602 the Tolsey was rebuilt, when the town-clerk had a little chamber adjoining it. The church,



FIG. 34.—Plan of All Saints Church and Tolsey, Gloucester.

formerly known as the chapel of All Saints, was granted, along with that of St. Mary de Crypt, to Lanthony Priory, in the vicinity of Gloucester, by Robert, Bishop of Exeter, before the time of King John. The Priory, says Fosbroke, held it as a chapel of St. Mary de Crypt. At the Reformation this church, along with the chapel of All Saints, fell into the hands of the Crown, and both were in the patronage of the corporation in 1648. In that year the corporation "ordered that the late church and chancell of All-hallows (All Saints) within this city shall be employed for a convenient lower Tolsey and an upper room for the councill chamber." For the purpose of effecting these changes,

the north wall of the nave was removed; the chancel was destroyed to make way for a staircase; the annexes on the north side of the church were destroyed to provide sufficient space for the new sheriff's court and Tolsey; and a covered way, or piazza, was formed round the building, in order, presumably, to give space on the upper floor for the council chamber and town-clerk. In 1751 the Tolsey was reduced in size by the removal of the covered way and the building above it, the staircase being put at the opposite end of the council chamber, and a new office for the town-clerk built on the south side. The building erected in 1751 was demolished in 1894 to make room for a new bank. On this occasion indications were found that three, if not four, churches had been built on the site. Relics of the Anglo-Saxon period were found, and, at the depth of 11 feet from the present pavement, the floor of an important building, which had stood in the Roman forum, appeared. Such walls as remained indicated an irregular building of several apartments. Scraps of Samian ware and other kinds of Roman pottery were plentiful, and also innumerable fragments of Roman roofing tiles. There were remains of terra-cotta figures, and coins of Constantine and other emperors. No human remains seem to have been discovered.<sup>1</sup> A Tolsey, representing the older "tolsele," or "tolseld," was a custom-house, and also a council-house. It will be noticed that the Tolsey stood in the position now usually occupied by the vestry of a church, and it will be remembered that the so-called parish choir of Clayworth church stood on the north side of the chancel in 1676, and was repaired by the parish.

On the summit of a hill in Bristol where four streets still meet and form a carfax (*quatuor furcæ*) there was formerly a church called St. Ewen's which was believed to be earlier than the Norman Conquest. As at Gloucester, a Tolsey, or council-house, was annexed to this building. The contiguity of the council-house to the

<sup>1</sup> M. H. Medland, F.R.I.B.A., in the *Transactions of the Bristol and Gloucestershire Archaeological Society*, xix. pp. 142-58; *Monasticon*, vi. pp. 128-40; Fosbrooke's *City of Gloucester*, pp. 136, 311, 322-5.

church is shown in a survey of 1763 in which certain "common viewers" having "viewed the wall parting the council-house from the parochial church of St. Ewen do find that the same wall doth wholly belong to the said parish church from bottom to cope, from end to end." This council-house was the Tolsylle, or Tolseld, of earlier times. William Wyrcestre in 1480 says that the council-house in his time had excellent upper chambers annexed to the south side of St. Ewen's church. The Tolsey was also known in the fifteenth century as the Counter or Comptoir, and was the place where the mayor held his court daily, and adjudicated on complaints between parties. The building was called the Tolseld in the fourteenth century, when we hear of a clerk and four serjeants of the Tolseld, all of whom wore the livery of the corporation. It was repaired by the corporation in 1532 and rebuilt in 1550. As at Gloucester, the Tolsey had a covered piazza, and this was supported by five stone pillars fronting Corn Street. Here also there were three brass pillars known as "nails," which seem to have been used for counting money. The present council-house stands on the site of St. Ewen's church. Adjoining the Guildhall in Broad Street, and forming part of the building, was the chapel of St. George. Here, as elsewhere, the guild was *not* the governing body of the city. The Tolsey at Bristol was used for magisterial or judicial purposes, and as a place of meeting, when necessary, for the chief merchants. For ordinary municipal business the town-council had another meeting-place. This was a large and beautiful vaulted room beneath the chapel of St. Mary on the Bridge.<sup>1</sup>

The Old Tollbooth of Edinburgh, otherwise known as the Heart of Midlothian, which is described in Latin documents as *prætorium*, almost touched the north-west corner of St. Giles's church. In 1561 it was in a very

<sup>1</sup> Hunt's *Bristol*, p. 7; Nicholls and Taylor, *Bristol Past and Present*, ii. p. 249; William Wyrcestre, *Itinerarium*, ed. Nasmith, p. 170; Ricart's *Kalendar*, pp. 53, 57, 84; *Little Red Book of Bristol*, ii. pp. 67, 68. Wyrcestre thus describes the council-house under St. Mary's chapel: "Super pontem Bristoll est pulcra volta larga artificiose operata subtus capellam Beatæ Mariæ pro consulibus et juratis villæ Bristollie sedendis, et ad conciliandum pro communi utilitate villæ."

decayed and ruinous condition, and the Queen addressed a letter to the town-council charging them to take it down, and, meanwhile, provide sufficient accommodation elsewhere for the Lords of Session and others administering justice. This led, not to the destruction of the Old Tollbooth, but to the erection of a New Tollbooth, or Council-house, attached to the south-west corner of the church. During the interval occupied in building the New Tollbooth the town-council held their meetings in a part of the church called the Holy Blood Aisle. Before the demolition, under the name of restoration, of considerable parts of the church in 1829, the north transept, with a small aisle or annexe adjoining it, had been the town-clerk's office, and there seems to have been a doorway between that office and the chancel. "Frequent allusions by early writers," says Sir Daniel Wilson, "in addition to the positive evidence occasionally furnished by the records of the courts, tend to show that both before the erection of the New Tollbooth, and after it was found inadequate for the purposes of a legislative hall and court-house, the entire nave of St. Giles's church was used for the sittings of both assemblies, and is frequently to be understood as the place referred to under the name of the Tollbooth." Nicoll, a diarist of the seventeenth century, tells us that the church itself was called the Tollbooth church "becaus it wes laitlie the pairt and place quhair the criminall court did sitt, and quhair the gallous and the mayden did ly of old." The "mayden" was a kind of guillotine. The church of St. Giles, standing in the High Street, a little to the east of the Castle, was the first parish church of Edinburgh, and belonged to the city. The date of its foundation is unknown, but a beautiful Norman doorway, destroyed about 1760, existed on its north side. It was made a collegiate church a few years after 1462. There is plenty of evidence that the church belonged to the city. In 1380 an agreement was made between the provost and some masons to vault over a part of the building. In 1387 another agreement was made between the provost



and community and two masons for the erection of five chapels on the south side. In 1829 a large accumulation of charters and ancient records of the city, which had been placed at some unknown period in the chamber over the south porch, was discovered. This wealthy church had forty altars, and a still greater number of officiating priests; its images and altars were destroyed and burnt in 1559, and the statue of St. Giles thrown into the Nor' Loch.<sup>1</sup> Modern carved seats for the sovereign, judges, and town-council have been inserted in the choir.

The first parish church in Oxford of which we have any clear account is that of St. Martin's, better known as Carfax church, which stands at the junction of four streets—including High Street and Cornmarket Street—almost in the middle of the city. It is, says Anthony Wood, "of a most ancient erection, and beyond all record." It is built, to quote Mr. Boase, "at the highest point on the gravel bank; and it became the nucleus round which the other parishes were formed." Where the four streets meet farmers still congregate to sell their corn. The church in fact stands in the market-place. The east end of the chancel comes right up to Cornmarket Street, and beneath the east window the corporation once built a covered bench or piazza, supported by stone pillars, as a shelter for market women on rainy days. This erection encroached on the street. In St. Martin's churchyard, says Wood, there was "a common portman-mote hall or a place where the portmen or portgreves and burgesses of Oxon met about the affaires of their corporation." In another place he refers to a portman-mote, or assembly of burgesses, kept in the churchyard in the reigns of Henry I and Henry II. In 1880 the corporation is described as consisting, as heretofore, of a mayor, eight portmen, and twelve capital burgesses. The church is still the city church; its bell once summoned the burgesses to counsel. In 1542 the corporation ordered that the parish clerk should have 6s. 8d. a year. In 1579 they ordered a new

<sup>1</sup> Wilson's *Memorials of Edinburgh*, ed. 1886, pp. 377-94. There is a plan of the church, previous to 1829, on p. 452.

pulpit to be made for the church at the cost of the city, and forms to be put in the chancel for the freemen to sit on. In 1583 they paid a "preacher for the town" to preach at Carfax. The tower, says Wood, was formerly high and of a more stately bulk, but by the command of Edward III it was, in 1340, taken down lower, because in times of combat with the scholars the townsmen would retire there as to their castle, and from thence gall and annoy them with arrows and stones. Here, then, we seem to have another example of a fortified church. In the serious affray between town and gown in 1354 the citizens caused the town bell at St. Martin's to be rung, that the commonalty might be summoned together in a body, and the Chancellor, perceiving what great danger the scholars were in, caused the University bell at St. Mary's to be rung out, whereupon the scholars got bows and arrows and maintained the fight. The church was a rectory, in the patronage of Abingdon Abbey, to which a pension (chief rent) of thirty shillings per annum was confirmed by Pope Innocent in 1200. This continued to the dissolution in 1545.<sup>1</sup> There was a bull ring close to the church, at the top of High Street.

A plan of Leicester made about 1600 shows that the inhabitants lived within a walled rectangular space divided by two main streets which crossed in the middle of the town, and passed out of it by four gates, north, south, east, and west. Hence the plan is that of a Roman city, and Leicester, the ancient *Ratae*, is known to have been such a city. Where the two main streets cross, in the forum, stands St. Martin's church—the principal church in the town. On one side of the church, as the plan shows, was the Swine Market, and on the other Shipps Market. Writing in 1866, Mr. Thomas North says: "The truth of the tradition of a heathen temple having stood on the site of the present church is, it is presumed, now clearly demonstrated by the relics found during the late excavations. Considerable portions of walls and columns, frag-

<sup>1</sup> Boase's *Oxford* (Historic Towns), pp. 8, 86; Wood's *City of Oxford*, ed. Clark, i. p. 120; ii. p. 86; Turner's *Records of the City of Oxford*, pp. 167, 405, 406, 431.

ments of vessels, and several coins, attest the presence of the Romans on the spot." Somewhere between 1118 and 1168 Robert, Earl of Leicester, granted a charter to the burgesses of Leicester in which it was declared that neither for pleading, nor on account of any custom, were they to go outside Leicester, but only to the "town church," as had been anciently appointed.<sup>1</sup> The court here referred to was the portman-mote, and the charter guaranteed to the borough the continuance of that court. In 1835 it still existed as a court of record for real, personal, and mixed actions. Where it sat in old times, if not in this church, we are not told. "The control of the council over parochial matters," says Miss Bateson, "a control which in many boroughs can be shown to have been of long standing, appears in certain passages" of the *Records of the Borough*. "The parochial affairs of St. Martin's in particular were specially subject to the council's control, for it was at St. Martin's that the council attended divine service." The mayor's chapel is mentioned in these *Records*, and "the chapel of the brethren" appears in St. Martin's accounts. "In 1510 it was made a bylaw by the council that every Mayor must 'take account' for the Church of St. Martin's during his year of office, and the churchwardens' accounts, published by North, show that the Mayor was aided by the comburgesses, or some of them, in his audit, the vicar and ordinary parishioners being also present."<sup>2</sup> The church in fact was the town church, just as St. Martin's in Oxford, which stands in exactly the same position, was the city church.

Now that we have seen the town-council seated in the chancel, it becomes almost certain that the carvings on the folding seats in the stalls represent, in parish churches,

<sup>1</sup> "Ita quod neque per placitum neque propter aliquam consuetudinem eant extra leycestriam, set tantummodo ad coumecherchiam sicut antiquitus constitutum fuit."—Bateson's *Records of the Borough of Leicester*, i. p. 4. Miss Bateson conjectures that *coumecherchiam* stands for *touncherchiam*, or *communecherchiam*, the town churchyard. The church (*cherche*) is plain, but where is the yard? In manuscripts of this period *t* and *c* are so much alike that it is often impossible to tell one from the other.

<sup>2</sup> Bateson's *Records of the Borough of Leicester*, i. pp. 11, 17, 111, lxi, lxii; North's *Chronicle of the Church of St. Martin, Leicester*, p. 4.



the trades of the villans or burgesses who once occupied them. Such folding seats have been called misericords, but the earliest instance of that word in England which the *Oxford English Dictionary* can give is from a document of the year 1515, which speaks of "iron worke and other small necessities to hang the misericords with." When we find a York goldsmith desiring in 1374 to be buried in the choir of St. Michael de Belfry near the place where he was accustomed to sit,<sup>1</sup> we may be sure that he and other leading citizens occupied stalls in the choir. At Wellingborough "is a misericord, the carving of which, if secular, is at least not flippant. It represents a shoemaker with a board upon his knees, on which lie various implements of his craft, among which the awl, the hammer, the file, and sundry knives can be readily distinguished; he is occupied in cutting out a leather rose for the decoration of a shoe." Other trades and occupations are well represented in these carvings. Thus "three stalls in the cathedral of Worcester represent men employed in mowing, reaping, and sheaving the corn. Another represents the swineherd feeding his pigs, by beating down the acorns from the trees. This last is a very common subject." Another represents a grave-digger, with a tomb, a pick-axe, shovels, bones, and skulls. The carvings on the twenty-four folding seats in the stalls of the Priory church at Great Malvern exhibit various trades or occupations, such as shoemaking, mowing, and reaping, and the number is interesting because, as will be seen in the next chapter, governing bodies called by such names as the Twenty-four met in churches. "Employments of every kind," says one of the latest writers on the subject, "are represented; a very interesting example of a wood-carver in his workshop was in St. Nicholas, Lynn, but is now in the Tufon Street Museum. The carver is seated at his bench, his dog at his feet, measuring the pattern on a piece of wood; further on two assistants or apprentices are engaged in carving, and other specimens of their work stand behind them. The 'supporters' are apparently initials, pierced with a saw

<sup>1</sup> *Testamenta Ebor.* (Surtees Soc.), i. p. 91.



and a gouge, the implements of his craft. Carvers at work also occur at Wellingborough and at Brampton." Everybody is agreed that Scriptural or religious subjects are very rare in these carvings.<sup>1</sup>

But the reader may ask: For what purpose were the so-called sedilia so often found on the south wall of a chancel intended? Were they not the seats of officiating priests? In only one instance do we find a name given to them; in the contract, dated 1412, for building Catterick church they are called the "thre Prismatories."<sup>2</sup> It has been said that this word is a mistake for "presbyteries," but there is no evidence that sedilia were ever called by this name, and it is probably an error for "crismatories." It is true that a chrismatory was the vessel which contained the oil used in baptism and confirmation, though Gwilt gives to the word the meaning of "a recess, near the spot where the font originally stood, to contain the chrism." It is quite likely, indeed, that it would be also applied to the places in which chrism, at certain times of the year, was administered. Moreover, the fact that the seats are usually included in one group with the lavatory is significant, for the priest who had used the chrism could wash his hands there. These seats usually stand on different levels, as if they were intended for persons of different ages. They are generally found in churches which were appropriated to monasteries, the chancels of which had been rebuilt.

<sup>1</sup> Tyack's *Lore and Legend of the English Church*, p. 209; Wright's *Essays on Archæological Subjects*, ii. pp. 117 f.; Phipson's *Choir Stalls and their Carvings*, 1896, p. 13.

<sup>2</sup> H. B. McCall, *Richmondshire Churches*, 1910, p. 38.

## CHAPTER XI

### LOCAL GOVERNMENT

WHEN we find the tenants of a manor taking a lease of it at a fixed rent, and holding it in common, organisation becomes indispensable. Each tenant must pay his share of rent to an official who will render the whole sum due to the lord at proper times. Accounts must be kept, and rules made to enforce order and justice. At first sight such leases as these seem to be the beginning of local government.

Yet before leases were granted, and before the tenants of a manor could be described as villans holding the manor in common, there was an earlier form of local government which, if more patriarchal, was at all events not autocratic. If we take up an old manorial survey, such as the *Domesday of St. Paul's*, we find that the seeds of local government have already been sown. In the twelfth and thirteenth centuries we find juries declaring the customs of manors, and defining the respective rights and obligations of the lord and tenants. The jury of a manor does this before we hear of leases to the tenants, and the granting of a lease makes no great difference in the method of administration. Under a lease the rent is a fixed rent, but the court is still nominally the lord's court. The lord's reeve becomes the reeve of the tenants, and is appointed by them, though he still continues to be called the lord's reeve.

In 1181 the jury of the manor of Caddington, in Bedfordshire, where there was a pre-Conquest church, is headed by John the priest (*sacerdos*) and Reginald and Osbert the reeves (*prepositi*). Two other names are given, but after them the manuscript is defective. In 1222, however, the jury of this manor is found to have consisted

of twelve persons, whose occupations are not given.<sup>1</sup> There is evidence that the priest and the reeve presided over manorial assemblies. Thus, in the Laws of Edward the Confessor, it is said that if a man bring anything into a town, such as an animal or money, and says that he has found it, then, before he takes it to his house, he must bring it before the church, and cause the priest of the church and the reeve of the town to come, together with as many of the more substantial men (*meliores homines*) of the town as the reeve can summon. When they are assembled the man must show them what he has found.<sup>2</sup> Here it seems that local government was in the hands of the priest, the reeve, and the chief men of the town, who doubtless constituted the jury.

It will be seen that the nearest approach in later times to the priest, reeve, and jury of chief men of the twelfth century is found in the rector, or vicar, churchwardens, and governing body of twelve, sixteen, or twenty-four men who are mentioned so frequently in the churchwardens' accounts and other documents of the sixteenth and seventeenth centuries. If it can be shown that the churchwarden is identical with the manorial reeve, continuity between the earlier and later governing body will almost be proved. Identity will be maintained in the next chapter.

Some bodies of tenants were more energetic than others in obtaining the fuller measure of local government which was a consequence of taking a lease of the manor, and some lords were more willing than others to grant leases, though doubtless both parties had an eye to their own advantage. Although the practice of granting leases may have begun before the Norman Conquest, the greater number of manors long continued to be administered under the system which prevailed before that practice came into use.

We may give a few examples of manors or estates which were leased to the villans, or to the tenants, and of those which in one or two cases seem to have belonged

<sup>1</sup> *Domesday of St. Paul's*, pp. 1, 113.

<sup>2</sup> Thorpe, i. p. 452.

to them absolutely. In 1086 the Canons of St. Paul's had let their manor of Willesden, in Middlesex, to the villans.<sup>1</sup> In the *Domesday of St. Paul's*, which gives very full accounts of all the manors belonging to the Canons, Willesden is omitted, and was therefore still in the hands of the villans in 1222. But in 1181 the church was in the demesne (*dominio*) of the Canons, paying to them eight marks by the hands of Germanus, the clerk.<sup>2</sup> *Domesday Book* says that at Goldentone, in Bedfordshire, the land was formerly held in common by the men of the place, and that they could sell it. At Chenetone, in Surrey, we are told that, in the time of Edward the Confessor, the estate was held in common by the villans. In 1183 the men of Ryton, Durham, held their town at farm, with the demesne, the rent of assize, the mill, and the works (*operationes*), and the villans of South Beddick also held their town at farm. But between 1345 and 1381 the lease of Ryton seems to have fallen in, for at that period the tenants are described as holding nothing but the smithy in common.<sup>3</sup> In 1240 the manor of Tibberton, near Worcester, had been let from an early time (*ab antiquo*) with all its appurtenances, the advowson of the church excepted, to the villans at the rent of 102 shillings, but the Prior and Convent had half the manorial profits.<sup>4</sup> As nothing is said in the Annals of the Priory about this lease, it may have been perpetual. In 1230 the manor of Fepsinton was leased to the men of the town for eight years.<sup>5</sup> The manor of Clive, the demesne and villanage of which contained 800 acres, was let to farm to the villans at a rent of £26, 13s. 4d., the lease falling in in 1253.<sup>6</sup> The court at North Hallow, with its appurtenances, and two carucates of the demesne, with meadows, payments (*proventibus*), heriots, and villanage, were let to the villans at the rent of a hundred quarters and a half of corn, a

<sup>1</sup> "Hoc manerium tenent villani ad firmam canonicorum."—*D. B.*, i. 127 b.

<sup>2</sup> *Domesday of St. Paul's*, p. 152.

<sup>3</sup> *Boldon Book* (Surtees), pp. 6, 34; *Hatfield's Survey*, p. 92.

<sup>4</sup> *Register of Worcester Priory*, p. 54 b.

<sup>5</sup> *Op. cit.*, p. 57 a.

<sup>6</sup> *Op. cit.*, p. 88 a; *Annales de Wigornia*, p. 442.



hundred quarters of oats, seventy-two bushels of rye, and sixty-eight bushels of barley. Here the men are expressly described as villans holding in common (*villani in communi*). It is difficult, says Archdeacon Hale, to conceive how such a body of men could act as representatives of the lord of the manor. "They might," he says, "unite in the cultivation of the demesne, and share the profits after payment of the rent in corn; but they were hardly likely against each other to enforce the rights of the lord, or the payment of fines and heriots, but rather to let them fall into desuetude."<sup>1</sup>

In one case we find in the thirteenth century a community of villans (*communitas villanorum*) in possession of rights of common, and surrendering those rights to the lord in exchange for other rights granted by him.<sup>2</sup> The community was that of Brightwalton, in Berkshire, and they enjoyed a power like that which belonged to the men of Coventry in 1534 when, as we shall see, they ordered that certain common lands should not be ploughed up; or like that enjoyed by the Twenty-four Sidesmen of Cartmel who, meeting in church in the eighteenth century, imposed fines on those who trespassed upon the commons. We shall return to these regulations presently.

In Wales there are many instances of communities of villans holding demesne and other lands in common.<sup>3</sup>

Continuity between the manorial court of the twelfth or thirteenth century and the "vestry" of the sixteenth and seventeenth centuries has been denied. When historians point to the fact that the vestry of the later periods did many of the things which were done by the earlier manorial court, it is answered that the vestry, though consisting of twelve or twenty-four landowners, had usurped the functions of that court in its decay. Here the burden of proof rests on those who deny continuity. It lies on them to show in what way the vestries of the later periods arose, and how usurpation became possible. Until that has been

<sup>1</sup> *Register of Worcester Priory*, pp. lxxii, 47 a.

<sup>2</sup> *Selden Society*, ii. p. 172.

<sup>3</sup> Lewis, *Ancient Laws of Wales*, p. 183.

done we are justified in believing that a vestry which, for example, had jurisdiction over rights of common, was not a usurper, but the lawful economic descendant of the manorial court which dealt with rights of common at a much earlier time.

That many changes took place in the course of centuries is unquestionable. The form of local government is never stable ; it adapts itself to altered circumstances. Population increases, and villages grow into boroughs. The Twelve becomes the Twenty-four. The business of administration is divided. One branch deals with the transfer of land and houses ; another deals with breaches of the peace and the various rights and obligations of the tenants. Nevertheless, one governing body dominates, as it were, each little kingdom, though it may be known by different names, and may act in different capacities for the sake of convenience. If a lease of the manor has been granted by the lord, the governing body may be called "the community," or "the community of villans," or the township moot. And, whether a lease has been granted or not, it may be called the Twelve, the Twenty-four, the Sixteen, the Men of X or Y, and so on. A manorial court which in the fourteenth century regulates the supply of holy bread for the church ; a vestry which does the same thing in the sixteenth ; a manorial court which regulates the wastes and commons of the manor in the thirteenth century ; a vestry which does the same thing in the seventeenth—these governing bodies are not diverse or of different origin.

When the Prior of Wymondham in 1408 sought security of the peace against twenty-four of the principal inhabitants, including the churchwardens, of that village, it is plain that we have to do with a local governing body of twenty-four members, notwithstanding the fact that the matter in dispute referred to the church and the trees growing in the churchyard.<sup>1</sup> Further on we shall have occasion to refer to this matter in detail.

The affairs of the town of Cartmel, a few miles south of

<sup>1</sup> *Archæologia*, xxvi. pp. 289 f.

Windermere, were managed by a body known as the Twenty-four Sidesmen, otherwise the Society and Fellowship of the Twenty-four, and the churchwardens. From 1597 to 1869 an account of their proceedings was kept in a volume called the Old Church Book, which gives a continuous and most minute record. The first entry in 1597 contains a reference to former sidesmen and churchwardens, and in that and in many subsequent years this body is described as "meeting att the churche"—a cathedral-like building which, before the dissolution of monasteries, was half parochial and half monastic. In 1677 a sum of money was left for building "a new vestery and *questhouse* over the same att the parish church of Cartmell," because the vestry then existing was a small, low building, out of proportion to the rest of the church. The sidesmen took an oath that they would assist the churchwardens in the well-governing of the church, and in taking the accounts of the old churchwardens. In 1597, and for many years afterwards, the sidesmen and churchwardens repaired the church, and for that purpose levied a rate from time to time. The powers of this "fellowship" were great. They let the pasturage of the churchyard at an annual rent; they managed the school lands, school being kept up to 1624 in the church; they paid the wages of the sexton, and defined his duties. What is more remarkable is that in 1716 they appointed trustees for taking account of the fines and amercements within the manor of Cartmel, one trustee being appointed for each of the seven townships of the manor. In the same year they appointed the steward, who was to keep all the courts of the manor until further orders, and agreed to indemnify him against loss in levying and receiving fines and amercements. They also paid the steward a guinea as his salary for keeping the courts. They appointed the schoolmaster, and pensioned him in old age, if necessary. They threatened to sue defaulters who failed to pay their share of the salary of the clerk, who seems to have been identical with the person called the "register," or registrar, because in 1621 the Twenty-four and churchwardens resolved that a clerk be



appointed "for the keepinge of the churche booke by the twentie fourtie." They exercised the rights of a lord of a manor in claiming deodands, felons' goods, and the wreck of the sea. In 1654 they applied the money paid for deodands to the wages of the schoolmaster, but their right to do so was questioned, and likely to go to trial. Deodands, it need hardly be said, were chattels which had been the immediate cause of the death of a reasonable creature, and which by law were forfeited to the Crown. The deodand was a thing given or forfeited, as it were, to God (*Deo dandum*) "for the pacification," as Blount says, "of His wrath in a case of misadventure." At Cartmel not only horses and carts which had caused death, but also boats, and even the running-gear of a water-mill were forfeited or paid for as deodands.<sup>1</sup> In 1757 and subsequent years complaint was made to "the vestry-men or four-and-twenty" that the commons of the parish were being appropriated and enclosed by various persons. It was thereupon decided that the enclosed pieces should be valued, and that on payment of such value each person should enjoy the enclosure made by him as his own. Eighty-four encroachments had been made by seventy-five persons, most of whom paid, but some of those who had taken the greatest quantity of land refused to pay anything, and, actions having been commenced by the Twenty-four, judgment was given against the encroachers. The money paid for these encroachments was brought into the vestry. When at last the commons were enclosed under an Act of Parliament, the Enclosure Commissioners in 1803 produced their accounts before the Twenty-four Sidesmen in the vestry.

The word "sidesman," or, to give the earlier and better form, "sideman," does not occur before the sixteenth century, and Dr. Henry Bradley connects it with "side," an edge, or region. At Coventry the various parts of the manor were known in the fifteenth century as "sides." It

<sup>1</sup> In the thirteenth and fourteenth centuries, townships had to account for deodands, which were valued.—*Coroner's Rolls* (Selden Soc.), *passim*.

<sup>2</sup> Stockdale's *Annals of Cartmel*, 1872, pp. 36-353.



is important to notice that in 1835 the sidesmen of Beaumaris were "assistants merely to the town steward," and that the sixteen sidesmen of Holme Cultram, in Cumberland, were elected by the tenants.<sup>1</sup>

At Cartmel there were four sidesmen in every churchwarden's division. The Twenty-four Sidesmen were the most influential landowners in the parish. In 1628 they were admitted into the fellowship by the consent of the existing sidesmen. It is recorded in Mr. Stockdale's book in 1796 that if a sidesman were absent from his duties for two years successively his name was to be struck out of the list, and another man elected in his place, recommended by the division which he represented.

The sidesmen at Cartmel were the governing council of a large manor, once known as a prepositure, and it will have been noticed that the power which they exercised over encroachments on the common was absolute. In 1640 Charles I granted to seven of the principal landowners of Cartmel all lands, tenements, and farms, part of the possessions of the dissolved monastery of Cartmel, not before granted in any preceding reign subsequent to the dissolution. The grant included royalties, glebe, assarts, tithes of sheaves of corn, grain, hay, fish, salt, eggs, wool, flax, hemp, lambs, and all other tithes, mulctures, rent seck, rent of assize, boons, escheats, courts-leet, views of frankpledge, free chase, and free warren, chattels of outlaws and felons, courts of piepowder, stallages, tolls, and piccages, with the fullest privileges ever enjoyed by the prior in the prepositure of Cartmel, excepting always lands in Carke and Holker. There were seven townships in the manor of Cartmel, and the grant was made to the seven principal landowners, in order that they might convey to the rest of the tenants theretofore holding of the Crown their respective tenements in fee farm.<sup>2</sup> By this document the Twenty-four, representing the whole body of landowners, became them-

<sup>1</sup> *Oxford Eng. Dict.*, s.v. sidesman.

<sup>2</sup> Baines, *History of Lancashire*, 1868-70, ii. pp. 680-1; Stockdale's *Annals of Cartmel*, 1872, pp. 64-72. "Piccage is the payment of money, or the money paid for the breaking the ground to set up booths and standings in fairs."—*Termes de la Ley*. Stallage was money paid for erecting stalls at fairs.

selves lords of the manor, and entitled to appoint the steward of the courts. It will be noticed that the grant of 1640 does not mention the common lands, and the men of Cartmel may have had the same power over them that the village community of Brightwalton possessed long before the Reformation.

There are other instances of the acquisition by the landowners of the manorial rights of their township. After the dissolution of the Priory of Monk Bretton, or Burton, the manor remained for some time in the hands of the Crown, but in 1609 it was granted by letters patent to two principal freeholders of the township, in trust for the freeholders at large, and they assigned the rights thus conveyed to them by separate grants to each freeholder of the manor.<sup>1</sup> Hence the freeholders of this village are jocularly known to this day as "Burton lords." In 1662 the manorial rights of Stainton Dale, near Scarborough, which had formerly belonged to the Hospitallers, together with several important immunities, were found to be vested in the twenty-one freeholders of that place, and that was the number of freehold farms in 1817.<sup>2</sup>

In 1534 at the Court Leet or View of Frankpledge of Coventry, consisting of twenty-four men, it was ordered that the common lands within the city, and the liberties thereof, should not be ploughed or broken up without the licence of the mayor and his brethren of the common council. At another Court Leet, held in 1538, it was declared that the mayor, bailiffs, and commonalty of that city, by title of prescription and time out of mind, had the yearly use of certain closes and pastures in the shire, franchises, and liberties of the city, the greatest number of inhabitants having no interest therein. In that year it was arranged that certain common lands should be held in severalty for terms of years, the holders paying fixed rents to the corporation.<sup>3</sup> In these proceedings there is no mention of a lord, and the Leet could, and did, deal with

<sup>1</sup> Hunter's *South Yorkshire*, ii. 396.

<sup>2</sup> Young's *History of Whitby*, 1817, pp. 446, 647.

<sup>3</sup> *Coventry Leet Book*, pp. 719-20, 729-37.

the common lands in any way they thought fit. Now this is the very thing which the Twenty-four Sidesmen of Cartmel were doing in the eighteenth century.

In 1573 there was a suit before the Council at York about the ownership of the waste ground in Sheffield. In 1297 Thomas Furnival, lord of the town, had granted the fee farm to the free tenants, who afterwards became the governing body called the Burgery. The grant conveyed to them all the tofts, lands, and holdings, together with their appurtenances, both within the town and without, which they held of the lord, the only proviso being that the lord's free warren should not be hindered. Relying on this grant, the Burgery, in 1573, claimed the waste ground as their own, and the dispute between them and the lord of the manor continued till 1724, if not later, but how it ended we are nowhere told. In 1579 the Bailiff of Sheffield wrote in his notebook that "George More did confess in the church of Sheffield that he was fully resolved by his counsel that the waste ground in Sheffield did not pass by their charter made to the free tenants of the Lord Furnival." This George More had gone to York "about the suit of the Burgery," and the management of the affair seems to have been left in his hands. Evidently he reported what his counsel had said at a meeting held in church. The deliberations of the Burgery took place in the church in the seventeenth century, for at a meeting held in that building in 1676, there being present the Town Collector and "thirteen burgesses or free tenants," it was agreed that the lord of the manor should be requested to consent to the removal of the common bakehouse, and to the building of another in a more convenient place, where it might be less dangerous to the town.<sup>1</sup>

In 1700 the Burgery of Sheffield began to erect a town-hall in the south-east corner of the churchyard, and the Duke of Norfolk, lord of the manor, contributed £100 towards the cost, on condition that he might be allowed to hold his manorial courts there.<sup>2</sup>

<sup>1</sup> Leader's *Records of the Burgery of Sheffield*, 1897, pp. 29, 31, 207, 346-7.

<sup>2</sup> Leader, *op. cit.*, p. 272.

We may now return to the Twenty-four Sidesmen of Cartmel and their regulation of encroachments on the commons. They were only doing what manorial courts had been doing long before. On a Sunday in 1246, for instance, it was presented in the lord's court at Bledlow that certain persons had made encroachments on the lord's land, and the court fined them accordingly.<sup>1</sup> As Mr. and Mrs. Webb show in their admirable work on *English Local Government*, the Vestry of Tooting, in Surrey, exercised rights over the common lands in the eighteenth century, and between 1812 and 1824 protected them against the encroachments of the lord. In 1801 the vestry of the adjoining parish of Mitcham made a successful stand against a threatened Parliamentary enclosure of the common.<sup>2</sup> In the seventeenth century the Vestry of Ashover, in Derbyshire, used to grant houses on the common to absolute paupers. Here the vestry, representing the ancient governing body, did not acquire its rights from the Crown.

We may compare the Twenty-four Sidesmen of Cartmel with the governing council of a town in Essex. At Braintree the governing council, at about the same period, were known as the Company of the Four-and-twenty, otherwise the Headboroughs, Town Magistrates, or Governors of the Town. This body met once a month in the vestry, sitting round the council table in strict order, and voting by ballot. They renewed themselves by periodical co-option, "forming a curious body half-way between a gild and a municipal court of aldermen." On Sunday the "Gentlemen of the Four-and-twenty," with their wives, occupied eight rows of stools "in the Four-and-twenty seat," a large pew constructed in 1577, and still remaining in the south aisle of the church. All the town's business was done at the monthly meetings of this body. The only other local authority was the Court Leet, and the jury of that body, "at any rate in the seven-

<sup>1</sup> *Selden Society*, vol. ii. pp. 6-8; Vinogradoff's *Villainage*, p. 368.

<sup>2</sup> Sidney and Beatrice Webb, *English Local Government (The Parish and the County)*, 1906, p. 178.



teenth century, habitually consisted, for the most part, of the members of the Four-and-twenty. The Court Leet appointed as Constables the members whom the Four-and-twenty had selected. . . . The Churchwardens and Overseers, like the Constables and Surveyors, acted, in fact, as the executive officers of the governing council." Each two members of the Four-and-twenty had their own "walk," or district of the town for which they were made personally responsible. They had to discover what "inmates" there were in the town.<sup>1</sup> In this respect also they were acting as a manorial jury, for an order of the jury for the manor of Holmesfield, in Derbyshire, says in 1736: "We lay a paine upon any person or persons that brings any inmeates into the manor without a setivicate (certificate) or according to law shall pay to the lord of the manor forty shillings."<sup>2</sup> The Four-and-twenty at Braintree kept the streets clean; repaired the town pump and the church steeple; ordered a drain to be constructed; bought a fire engine; and enforced the licensing laws.<sup>3</sup>

In many parishes in the North of England, especially in Northumberland and Durham, there were also local governing bodies called the Four-and-twenty, and sometimes the Twelve. Their members held office for life, and vacancies were filled by co-option. Mr. and Mrs. Webb say that there is some evidence, even as late as the nineteenth century, of this office being connected with the ownership of particular farms. At Embleton, in 1828, the vestry minutes record "the name of William Burrell, Esquire, to be entered in the list of the Four-and-twenty *for lands in Brunton*." Further, they show that the Embleton "Book of Rates," or ancient list of hereditaments liable to pay rates, contained precisely twenty-four assessments, the same number of "farms" being found in various other parishes. They point to the fact that the parish of Kirkby, in Kendal, contained, in 1777, twenty-four constablewicks, and they prove that Twenty-fours existed in

<sup>1</sup> Webb, *op. cit.*, pp. 221-5.

<sup>2</sup> *MS. Holmesfield Court Rolls* in the Sheffield Public Library.

<sup>3</sup> Webb, *loc. cit.*

numerous other parishes. Moreover, they draw attention to a significant petition from the village and hamlet of Cole Aston, in Derbyshire, of which we may give a rather fuller account than is given by them. About 1649 some of the inhabitants of this village petitioned the Justices in Quarter Sessions against the refusal of some of their neighbours to accept the office of thirdborrow, or constable. They said that there were twenty-four oxgangs of land in the village, which was within the township of Staveley, in the holding or occupation of the freeholders, copyholders, and tenants, and that for nine of those oxgangs the petitioners had served the office of thirdborrow for a year. Accordingly they prayed that the tenants of the fifteen oxgangs who had not served the office should be compelled to do so.<sup>1</sup> We may add that Cole Aston, otherwise Cold Aston, is not now in the township of Staveley, whatever may have been the case at the date of the petition; it is in the parish of Dronfield, and is said to be in the manor of Norton. There has never been a church in this village, but the inhabitants had some kind of local government, for the present writer remembers an old book, now probably destroyed, in which the minutes of the town meetings were kept. In many places an acre or two of land, called by such a name as the Constable's Ham, was set apart for the use of the constable during his year of office. At Little Hucklow, Derbyshire, where there has never been a church, the "headborough lands" were held in eleven undivided shares, six of which have now become the property of one owner. They were regarded as the joint property of the landowners of the township, the headborough, or constable, having the crops during his year of office.<sup>2</sup>

About 1280 the city of Winchester was governed by a body called the Twenty-four, as Colchester was in 1389.<sup>3</sup> The city of York had a number of governors who, having

<sup>1</sup> Webb, *op. cit.*, pp. 178-81; J. C. Cox, *Three Centuries of Derbyshire Annals*, 1890, i. p. 108.

<sup>2</sup> *Derbyshire Archæological Journal*, xxviii. pp. 46-7.

<sup>3</sup> Bateson's *Borough Customs* (Selden Soc.), i. pp. 113, 155.

passed the office of sheriff, were sworn into the privy council, and with the Lord Mayor and Aldermen formed an upper house. These citizens were commonly known as the Twenty-four, though they might be more or fewer than that number.<sup>1</sup>

In Chapter XVII we shall have occasion to refer to a piece of common land at Puxton, in Somersetshire, which was divided into twenty-four lots, the rent of one of the lots being applied to the payment of the cost of administration. The qualification of the Twenty-four Keys, or principal commoners, of the Isle of Man was the possession of freehold property. Though it cannot be said that the land of English village communities was usually held in twenty-four shares, it is nevertheless the fact that local governing bodies consisted in most cases of twelve or twenty-four members. And it is equally true that those members were persons who possessed land in the community which they governed. The Germans also had their twenty-four *heimbürgen*, or village-magistrates.<sup>2</sup>

In addition to the governing bodies called the Twelve or the Twenty-four there were others known as the Sixteen. In 1585 the Churchwardens' Book of Heanor, in Derbyshire, records "the names of the Sixteen Men that are appointed for the church to take order for the parish," and they are described as "being of the more substantial men in the parish." Part of their duty was to make "leyes," or levies, of money for the church, to elect such churchwardens as they should think most fit for the office, and to render their accounts yearly. A statement made in 1585 that "it is agreed by the whole consent of the parish that there shall be appointed from time to time Sixteen Men" seems to convey an impression of novelty, but, says Mr. Burton, "a comparison with other cases of Sixteens indicates a far more ancient and obscure origin of this custom in local government."<sup>3</sup> A valuable indication that such bodies as these are of earlier date than

<sup>1</sup> Drake's *Eboracum*, p. 184.

<sup>2</sup> J. Grimm, *Rechtsalterthümer*, 1854, p. 218.

<sup>3</sup> Rev. R. J. Burton in *Derbyshire Archaeological Journal*, xxxii. pp. 157-170.



the sixteenth century occurs at Swine, near Hull. There the church, as will be seen further on, was divided between the parishioners and a convent of nuns, the parishioners using the eastern part of the building and the nuns the western. In the chancel of the eastern, or parishioners', part there still existed in 1700 sixteen grotesque folding seats, eight on each side, surmounted by canopies, the carvings under the seats being hardly consistent with decency. In 1852 there were in the principal chancel of Lenham church, Kent, sixteen oaken stalls in sound condition, but neglected.<sup>1</sup> We may be almost sure that such stalls were occupied by governing bodies consisting of sixteen persons. (See pp. 251-3.)

There was a governing body called the Sixteen Men at Holme Cultram in Cumberland. The records in which they are mentioned do not seem to be older than 1586, but, says Mr. Grainger, "the date of their institution is lost in obscurity." Their duties were numerous and important, including the maintenance of the sea dike, the care of Wedholme Wood, the care of the three bridges, the levying of all rates and taxes, the appointment of schoolmaster and clerk, the custody of the parish stock, and the supervision of the churchwardens' and overseers' accounts. Further, they were often chosen as a court of appeal, or as arbitrators. Their first extant minute-book begins in 1630, its title being "The Acts of the Sixteen Men of the Lordship of Holme Cultram elected and chosen with the consent of the said Lordship." They were also known as the Sixteen Sidesmen. The term of their office was generally for three years; a foreman was appointed, and four woodwards who had charge of Wedholme Wood. The members of the Sixteen were chosen from each quarter into which the manor was divided under the first institution of the poor rate in the reign of Elizabeth. They were appointed by the Court Leet, and were subordinated to that court. At a Leet held on the 26th of September 1640, certain orders were made for

<sup>1</sup> De la Pryme's *Diary*, p. 226; Hussey, *op. cit.*, p. 90.



the preservation of Wedholme Wood, and about the sea dike. They are followed by "orders for the Sixteen Men." These were enjoined, under a penalty of 20s. each, to impose taxes on the copyholders for the preservation of the king's inheritance and the ancient custom of Holme Cultram, and for that purpose to appoint collectors in every quarter or graveship. They were also ordered to prosecute defaulters in the Court of Exchequer. For the purposes of the Court Leet the manor was divided into two parts, the river Waver being the dividing line, and at the court of 1640 the jury of the Leet consisted of thirteen men for the eastern part, and fifteen for the western, each part having its own foreman. These were known as "the head juries." In 1717 information was laid before the Sixteen Men that the sea dike was in decay. In the following year the Sixteen assembled at the church to provide a house for the schoolmaster, who had taught his pupils in the church. In the same year the lord's stewards demanded an inspection of the papers of the Sixteen, lest his rights should be imperilled, and threatened them with an action if they refused. Accordingly, after a proclamation made on the Sabbath, the Sixteen met in the church, and decided by a majority to retain their papers. In 1728, during the renovation of the church, the meetings of the manor court and of the Sixteen, both of which had been held in the church, were held, not without expense, in the village alehouse. In 1748 the Sixteen are described as "the Sixteen Men or the Sidesmen for the parish."<sup>1</sup> At the dissolution of the monasteries the manor fell into the hands of the Crown.

Cities and large towns, such as Salisbury and York, often had a Forty-eight, as well as a Twenty-four, both bodies meeting in church, and forming an upper and a lower chamber. At St. Edmund's, Salisbury, the Twenty-four, afterwards called the Aldermen, or the Aldermen and Ancients, were known in 1592 as "the chiefest of the company," and to them the churchwardens gave

<sup>1</sup> F. Grainger in *Transactions of the Cumberland and Westmorland Antiquarian Society* (N.S.), iii, pp. 172-213.

bond for the stock in their hands. The entire body was known as "the whole company."<sup>1</sup>

The late Professor Maitland said that vestries inherited the decaying functions of manorial courts. But what is a vestry? It was not before the sixteenth century that the town meeting acquired this name. In many parishes the manuscript minutes show that the term used was always "town meeting."<sup>2</sup> The meeting was called the vestry because it was held in, or above, the room where vestments were kept, and we have seen that a "quest-house" was built over the vestry at Cartmel. Professor Maitland's opinion is inconsistent with the fact that manorial courts, which, as we have seen, were often held in church, had control over ecclesiastical as well as civil affairs. Thus in 1542 the jury of the manor of Stowe-on-the-Wold, in Gloucestershire, presented a man because he had not confessed and taken the sacrament, and another man because he had carried the palm on Palm Sunday without having first confessed.<sup>3</sup> Cases like this show that the manorial court not only dealt with ecclesiastical affairs; they also help to prove that there was no difference between that court and the township meeting or assembly of parishioners. When we are told that in 1309 the choice of a holy-water clerk at Pampesworth rested with the parishioners,<sup>4</sup> it is clear that the parishioners were exercising the same powers as those which belonged to the manorial court of Stowe-on-the-Wold two centuries later. The local governing body may have been called, as we have seen, by various names. But everywhere we find such a body, by whatever name it was known, dealing with civil and ecclesiastical business alike, and as if there were no difference between the one and the other.

We may give another example of the control which the manorial court exercised over ecclesiastical affairs.

<sup>1</sup> Swayne's *Churchwardens' Accounts of S. Edmund and S. Thomas, Sarum*, pp. 142, 149, 179.

<sup>2</sup> Webb, *op. cit.*, p. 38. Mr. W. Johnson, *Byways, &c.*, p. 142, also doubts the correctness of Maitland's opinion.

<sup>3</sup> Fosbroke's *Gloucestershire*, ii. p. 407.

<sup>4</sup> *Year Books* (Selden Society), ii. pp. 125-6.

About 1345 the men of Torksey, near Lincoln, fixed the sums to be paid at baptisms, the churching of women, and burial. They regulated the manner in which mortuaries were to be rendered, the amounts of offerings to be paid at church, the candles to be burnt there, and the manner of providing the blessed bread. They said that the clerk bearing the holy water ought to be chosen by the parishioners, and not by the parson. And what is more remarkable, they ordered that the vicar should have one clerk, called the deacon, dwelling with the vicar at the cost of the parson, for performing the service in the church and helping the vicar. They further declared that the parson ought to find all necessities in the chancel except the chalice and missal. They fixed the amount of tithe which merchants ought to offer on the altar out of their profits only before Easter or on Easter Day, so that they could keep up their houses and maintain themselves without waste and destruction of the said profits. They also fixed the amount of tithes of calves, foals, lambs, pigs, poultry, and salmon.<sup>1</sup> These regulations were made by a *manorial court* which dealt with many other things of a purely secular nature, and which was in fact the governing body of Torksey.

The development of manors into manorial boroughs, and of manorial boroughs into municipal corporations, is a branch of our subject which need not be considered here, because it is now well understood and recognised.<sup>2</sup>

<sup>1</sup> *Borough Customs*, ii. pp. 210-14.

<sup>2</sup> See Webb, *English Local Government: The Manor and the Borough*, 2 vols.

## CHAPTER XII

### THE REEVE OR CHURCHWARDEN

THAT churchwardens were manorial officers is indicated by the fact that they were appointed by the governing bodies of towns, by lords of manors, and by municipal councils, who audited their accounts, and dismissed them for irregular conduct.

In the sixteenth century the churchwardens of some parishes in Durham were elected by the Twelve. More frequently, as at Cartmel and South Shields, they were elected by the Twenty-four. Sometimes they were chosen, as in the Withington and Stretford townships of Manchester, by the lord and the community jointly.<sup>1</sup> At Bideford, one of the two wardens is chosen by the lord of the manor. At Wilmslow, in Cheshire, in 1673 they were elected by the lord's bailiffs.<sup>2</sup> They were often, as at Arundel and Ruthin, elected by the municipal council, but that is equivalent to election by the manorial court. In 1861 the churchwardens at Henley-on-Thames had been appointed by the corporation for nearly six centuries. At Wells, from 1378, when the records of the corporation begin, both churchwardens were appointed by that body. In 1582, however, the parishioners appointed one, and the corporation the other; and this custom has continued to the present time. The corporation had also control of the churchwardens' accounts.<sup>3</sup> The wardens of the three churches at Hedon were elected at the same annual burgess court at which the other officers were

<sup>1</sup> *Durham Parish Books* (Surtees Soc., No. 84), pp. 12, 18; Webb, *op. cit.*, p. 22.

<sup>2</sup> "Spent that day when the new churchwardens were chosen of the two Lords Balifes and of them and ourselves, 5s. 4d."—Earwaker's *East Cheshire*, i. p. 116.

<sup>3</sup> Burn's *History of Henley-on-Thames*, 1861, pp. 50, 319, in *Notes and Queries*, 2nd Series, xii. p. 471; 3rd Series, i. p. 19.



elected, and they were sworn into office before the mayor and bailiffs. Their yearly accounts were examined by the mayor and bailiffs and such burgesses as happened to be present. The form of oath which they took in the reign of Henry VIII has been preserved; in it they swore to be obedient to the mayor. At Liskeard one of the two wardens is called the mayor's warden. In 1398 the burgesses of Aberdeen elected, among other officials, such as surveyors and tasters of wine and ale, four churchmasters (*magistri ecclesie*). At Doncaster in 1577 the corporation not only "took the reckonings" of the churchwardens, but appointed them, and dismissed them if they were not ready with their accounts.<sup>1</sup> To this day the town-council of Chard, in Somersetshire, appoint one of the churchwardens yearly. They send a policeman to the church on a Sunday, who gives a written notice to the vicar in which the name of the person elected is stated. The mayor of Lostwithiel, in Cornwall, appoints the so-called "people's warden" at the parish church.

The officers thus appointed were known by various names, all of which imply that they were agents or custodians. At St. Michael's, Bath, they were known in 1349 as proctors (*procuratores*, reeves, agents). They were so called at Yatton in 1473 and at Tintinhull in 1476. They are described as procuratories at St. Mary Redcliff, Bristol.<sup>2</sup> Chaucer mentions them as church-reeves in 1386, and they were so called at St. Michael's, Coventry, in 1427. But here and there they are simply called reeves. In 1513 certain money was to be paid into the hands of "the reves at that tyme beying" for the use of a parish priest at Wilmslow where, as we have just seen, the churchwardens were elected by the lord's bailiffs. Mr. Earwaker says that these reeves were the churchwardens. In 1527 we hear of the "reeves of the Collegiate Church at Manchester." In 1710 the reeve of a church is described as "the

<sup>1</sup> Boyle's *Early History of Hedon*, 1895, pp. 89, lxxxv.; *Burgh Records of Aberdeen*, i. p. 375; *Doncaster Records*, iv. p. 9.

<sup>2</sup> *Churchwardens' Accounts of S. Michael's, Bath*, p. 1; *Somersetshire Churchwardens' Accounts*; *Select Cases in the Star Chamber* (Selden Soc.), p. 276; *Coventry Leet Book*, p. 110.

guardian of it or the churchwarden.”<sup>1</sup> *The Oxford English Dictionary* gives no quotation of the word “churchwarden” before 1494.

These officers were the general agents of communities to whom religion was a matter of the deepest concern, because their health and welfare, as they believed, depended upon it. Though they managed the church-building, its vestments, lights, and bells, together with the various feasts and anniversaries, they also attended to the ordinary business of their town or parish, the paving of the streets, the butchers’ stalls, and many other things of a purely secular nature. In the next three chapters we shall have occasion to discuss their management of the bakehouse and the brewhouse, and to consider them as lenders of cattle, money, and goods.

Were these officers identical with the reeves of manors?

We may compare the points in which the reeve of the manor and the churchreeve or churchwarden resembled each other.

The reeve of the manor, like the churchreeve, was an elective officer. Fleta, who wrote a treatise on the law of England about 1290, says that the *prepositus*, or reeve, was elected by the *villata*, or village community,<sup>2</sup> and we shall refer to the folk-reeve presently. In a case mentioned by Professor Vinogradoff the homage elected the reeve, the lord of the manor having the power to retain his services.<sup>3</sup> Whilst therefore a self-governing body usually elected this officer, the lord might himself have elected him, in the same way that at Withington and Stretford he elected the churchwarden.

The reeve of the manor, like the churchreeve, was elected annually, and, like him, was bound to serve in his turn.<sup>4</sup> The Stoneleigh Register, written in the fourteenth

<sup>1</sup> Earwaker's *East Cheshire*, i. pp. 70, 247; Harris, *Lexicon Technicum*.

<sup>2</sup> Fleta, ii. c. 76.

<sup>3</sup> “Consuetudines de Aysle: memorandum quod homagium debet eligere prepositum et dominus manerii potest eum retinere.”—Vinogradoff's *Villainage*, p. 318.

<sup>4</sup> “Quidam illorum (soke-mannorum) erunt prepositi per turnum suum. Et prepositi eligentur per sokemannos circa festum Sti. Petri ad Vincula.”—Vinogradoff's *Growth of the Manor*, p. 272.

century, says that when a sokeman succeeded his father as heir, one of his duties was to give judgments with the other sokemen his equals, and another was to act, when elected, as reeve, and collect the lord's rent.<sup>1</sup> In other words, the sokeman was to be one of the manorial jury, and serve the office of reeve in his turn. The rent which he collected was the *rent of assize*. At St. Michael's, Bath, the rent of assize formed the chief source of income of the churchwardens from the fourteenth century onwards, and was applied towards the maintenance of the church and various public objects. In 1542 it is described as "the yerly rente of assys perteynynge to the churche," and it amounted to £11 odd. It is said that "rents of assize are rents at which the freeholders or copyholders of a manor have held under the lord from time immemorial."<sup>2</sup> But at St. Michael's, Bath, the rent of assize was a fixed rent, in the nature of a rate, payable to the churchwardens as agents of the community, and we saw in the last chapter that in 1183 the men of Ryton farmed their village, including the rent of assize. It will be remembered that at Dewsbury this rent was paid to the lord (p. 149), and possibly the parishioners of St. Michael's had acquired the manorial rights.

A man who collects rates or taxes must necessarily keep an account of his receipts and payments, and so the reeve of Stoneleigh must above all things have been an accountant, or have been responsible as such. Now from the eighth to the eleventh century the reeve is defined as a secretary, or registrar.<sup>3</sup> This accountant or secretary may be identical with the person who in the Corpus Glossary, and later, is described as "folcgeréfa," folk-reeve. This word is explained in the Latin of the period as *actionarius*, which means an agent. It is also explained as *actionator*, a chief of the people, one who governs.<sup>4</sup>

<sup>1</sup> "Et dabit iudicia cum aliis paribus suis sokemannis. Et erit prepositus colligendo redditum domini quando eligetur per pares suos."—Vinogradoff's *Villainage*, p. 430.

<sup>2</sup> Stephen's *Commentaries*, ed. 1868, i. p. 695, referring to Coke's *Institutes*, ii. 19.

<sup>3</sup> *Commentariensis*, geroefa; *commentariensis*, gerefa.—Wright-Wülcker, 14, 28; 111, 8; 189, 25.

<sup>4</sup> Wright-Wülcker, 3, 2; 109, 3; 344, 24.

During the tenure of his office the reeve of a manor was exempt from all other services, and was quit of all things due from his land. Thus in 1240 the villans of Newnham, in Worcestershire, held thirty-six virgates, of which the reeve had one, and this was free from the payment of 3s. a year which was paid by the holder of each of the other virgates.<sup>1</sup> In some places the churchwarden was remunerated by a small payment. At St. Michael's, Bath, the two churchwardens (*procuratores*) in the fourteenth century received a shilling a year for their salary. In 1544 the three wardens of St. Mary Redcliffe, Bristol, received 10s. as their allowance. In the reign of Queen Anne one of the churchwardens of Sutton-in-Holderness "was elected by the town of Sutton, and the other by the town of Stoneferry. Each collected his church-rate, for doing which he charged five shillings, and presented his separate account."<sup>2</sup>

Exemption from serving the office of reeve was sometimes obtained by paying money, or the equivalent of money. Thus at the manor court of Baslow, in Derbyshire, in 1363, a man gave twenty pullets that he might not be elected reeve, and in the following year another man gave 1s. 6d. for the same purpose. At Salisbury it was the custom when a parishioner was unable or unwilling to serve as churchwarden to ask to be excused on payment of a fine to the parish. The amount of the fine ranged from 20s. upwards.<sup>3</sup> At St. Columb, Cornwall, the fine for not acting as churchwarden was 3s. 4d. in the sixteenth century.

Another very striking point of similarity may be mentioned. The scot-ale of the twelfth century, as will be seen further on, was conducted by the reeve. The identical church-ale of the fifteenth and sixteenth centuries was conducted by the churchwarden.

<sup>1</sup> *Domesday of St. Paul's*, p. lxvii; Morgan's *England under the Normans*, p. 95; *Register of Worcester Priory*, p. xlvii.

<sup>2</sup> *Churchwardens' Accounts of St. Michael's, Bath*, ii. pp. 4, 6, 10, 13; *Select Cases in the Star Chamber* (Selden Soc.), ii. p. 276; Blashill's *Sutton-in-Holderness*, 1900, p. 276.

<sup>3</sup> *Derbyshire Archæological Journal*, xxii. p. 75; *Churchwardens' Accounts of S. Edmund and S. Thomas, Sarum*, p. xi.



For these reasons we may conclude that the reeve of the manor and the churchwarden were identical.

In some places, according to Domesday Book, there were two or more reeves; there were two at Christleton, in Cheshire, and eight at Leominster.<sup>1</sup>

The number of churchwardens evidently depended on the number of quarters, or other divisions, associated with a church. A very frequent number was four, and this arose from the division of a parish, or of a manor, into four quarters or byrlaws, as they were often called. At the beginning of the last century the parish of Eckington, in Derbyshire, was divided into four quarters, each of which had its own churchwarden. Bradfield, near Sheffield, is divided into four byrlaws, each of which had its own churchwarden. The chapelry of Witton, in Cheshire, is divided into four quarters, each of which elected its own churchwarden. The parishes of Hawkshead and Colton in Lancashire are both divided into quarters.<sup>2</sup> We even hear of a church service being assigned to a particular quarter, as when in 1454 a bequest was made to the service of St. Mary of Darfield belonging to the Wombwell quarter.<sup>3</sup> Even the nave of the church itself could be divided into quarters, for Mr. Thompson says that "at Hungerton, near Leicester, the tenants of each of the four manors in the parish still occupy their own quarter of the nave."<sup>4</sup> There were four constables at St. Columb, in Cornwall, each with his own quarter of the parish.

At Ecclesfield, near Sheffield, the four churchwardens were known in 1520 as *prepositi ecclesie parochialis*, reeves of the parish church, one churchwarden being elected yearly, both then and down to the present day, for each of the four byrlaws of the parish. These reeves of the parish church seem to correspond with the "bierlaw-

<sup>1</sup> Morgan's *England under the Normans*, p. 93.

<sup>2</sup> Lysons's *Derbyshire*, p. 142; Ormerod, *op. cit.*, ii. p. 156; H. S. Cowper's *Hawkshead*, p. 111.

<sup>3</sup> *Test. Ebor.*, ii. p. 138.

<sup>4</sup> A. H. Thompson, *The Historical Growth of the English Parish Church*, 1911, p. 68.

grayves" (byrlaw-reeves) at Ingleby Arncliffe who, in 1477, were elected by the Court Leet.<sup>1</sup> The Latin name given to them at Ingleby Arncliffe is significant. They are called *custodes plebisciti*, wardens of the byrlaw.<sup>2</sup> They were sworn into office, like churchwardens, and, like them, elected yearly.

The duties of churchwardens included many other things besides the maintenance of the church fabric and its ornaments. Here, for example, is an account of what they did at Walberswick. In 1451, and later, the churchwardens of this place, which was a fishing town on the coast of Suffolk, received the proceeds of sale of herrings and sparlings contributed, under the name of town doles, for public purposes by the owners of fishing-smacks and ships trading with Iceland and other places in the North. They also received money from church ales, for harbour dues, and for the "farm" of the town lands. They expended the money thus received, except the "farm," in washing the church clothes, repairing the "cherche logge," apparently the church-house, making a well, repairing and furnishing the church, ringing the day bell and curfew, and other similar matters. In 1463 they bought gunpowder for the town, and in 1466 they paid for making the quay. In 1489 the inhabitants agreed that one or two men should receive the town doles of herrings and sparlings from the masters of the ships and boats, and "tewe them to the most profyete of the town," that is, dispose of them to the best advantage of the town. In the same year these doles are also described as contributed "to the profeyth of the cherche," so that the interests of the church and the town were regarded as identical.<sup>3</sup> In 1602 the churchwardens received the usual annual tribute of herrings and sparlings. They also

<sup>1</sup> Eastwood's *Ecclesfield*, pp. 20, 526 f. "Juratores elegerunt J. J. et J. J. Bierlaw-grayves (explained in Latin as *custodes plebisciti*) pro anno futuro, et jurati sunt."—*Ingleby Arncliffe Manor Court Rolls* in *O.E.D.*, s.v. Byrlawman.

<sup>2</sup> "A byrelawe; *agraria, plebiscitum*."—*Catholicon Anglicum* (A.D. 1480).

<sup>3</sup> At Blythburgh, near Walberswick, one of the three churches received, according to Domesday, an annual rent of ten thousand herrings, and a further supply of three thousand in alms from the king.

received the rents of the town land, meaning the "farm," the rents of the houses of guild, the wharfage, and other dues. Out of these moneys they kept the houses of guild and other "common edifices," including the church and harbour, in repair, and discharged all salaries and debts, and the taxes due to the Crown. In 1583 carriers of butter, cheese, and other provisions were ordered to pay to the churchwardens, for the maintenance of the church, and the payment of the town charges, a duty on every cargo laden at the quay.<sup>1</sup> As regards the taxes due to the Crown we may note that the Twelve Men of St. Columb, Cornwall, collected the Fifteenths—a tax introduced in 1188.<sup>2</sup>

Besides the manorial reeve whom we have tried to identify with the churchwarden, there were other reeves, such as shire-reeves (sheriffs), port-reeves, and the reeves who were stewards of landowners. With them we are not concerned. But there was a class of reeves who held what is called reeve-land, and, in two places in Cheshire at all events, were lords of sub-manors. These appear to be remotely connected with our subject.

Reeve-land was a portion of territory which is characterised by the fact that its owner, or tenant, was free from tax. It is mentioned in the following gloss of the eleventh century: "*In tribulano territorio*, on þæm sundor gereflande," which Sweet interprets doubtfully as land reserved for the jurisdiction of a reeve. Such land was free from tax, as we may learn from a passage in Domesday, which mentions land in Hereford which had been thane-land in the time of Edward the Confessor, but which, according to the royal agents, had afterwards been converted into reeve-land, so that the land itself, *and the tax arising therefrom*, had been secretly taken away from the king.<sup>3</sup> This land may have been considerable in quantity: thus out of two hides and a half of a manor in Berkshire

<sup>1</sup> Gardner's *Historical Account of Dunwich, &c.*, 1754, pp. 145 f.

<sup>2</sup> *St. Columb Green Book*, ed. Thurstan Peter, 1912, p. 30 (excerpt).

<sup>3</sup> "Hæc terra fuit tainland T. R. E. sed postea conuersa est in Reueland et ideo dicunt legati regis quod ipsa terra et census qui inde exit furtim aufertur rege."—*D. B.*, i. 208.



in the eleventh century one was reeve-land and another in the occupation of villans.<sup>1</sup>

Reeve-land, free from church-rate, has continued to modern times, and its owners have appointed the churchwardens. In 1464 the rector of Stockport, together with four others who are described as the chief reeves (*principales præpositi*), granted a lease of land. At a later time these four men were known as the "posts"—a popular abbreviation of "prepost," which Wyclif uses in 1382. A case for the opinion of counsel, drawn up in 1810, gives the following account of these officials: "The four churchwardens are appointed by the several owners of four considerable estates within the parish who are called the Four Posts of the church or the Præpositi, and who claim the privilege as a prescriptive right. The churchwardens are usually the servants of or dependent on the Posts, and continue in office frequently for life, though elected annually and sworn in at the Easter Visitation of the Bishop of Chester. The churchwardens never render any account either of their receipts or disbursements either to the parishioners at large or to the individuals whom they assess. They hold themselves accountable only to the Posts, *who pay no rates.*"<sup>2</sup> Writing in 1819, Dr. Ormerod says: "In this parish, as in Astbury, are parish officers called præpositi, or posts, each of whom chuses one of the four annual churchwardens, and they, by yearly custom, make up their annual accounts to such of them as happen to be at the meeting appointed for the purpose. These officers are lords of Bredbury, Bramall, Brinnington, and Norbury." The manors themselves are subsequently described by Ormerod, and it is clear that the "posts" were their lords. Of the manor of Brinnington he says, "The half of one of the chapels in Stockport church is appurtenant to the manor, and the owner thereof is one of the four præpositi of the parish."<sup>3</sup>

According to a later writer the north and south aisles of the nave of the parish church terminated at the east end in

<sup>1</sup> *D. B.*, i. 57 b.

<sup>2</sup> Earwaker's *East Cheshire*, i. p. 363.

<sup>3</sup> Ormerod's *Cheshire*, ed. 1882, iii. pp. 804-9.



chapels, which "from time immemorial have been attached to the demesne lands of the four *præpositi*, or posts. . . . The *præpositi* were the owners of the estates of Bramall, Bredbury, Brinnington, and Norbury, and had from a very early period the appointment of the churchwardens, and the sole management of the financial affairs of the parish church. . . . The powers of the *præpositi* still exist, though they have become somewhat modified of late years, and the parishioners have been allowed to choose the churchwardens." <sup>1</sup>

In a manuscript in the custody of Mr. Thomas Mower, of New Mills, Stockport, it is stated that the owners of some capital estates in the chapelry of Mellor in the parish of Glossop, Derbyshire, paid no rates to the mother church. For this they could only plead "non-user." <sup>2</sup>

The nomination of churchwardens in the very large parish of Astbury, near Congleton, in Cheshire, rested with the proprietors of eight manors in the parish. These proprietors, eight in number, were known as the *præpositi*, or posts. When a new roof was put on the nave of the church in 1616 their names and arms were carved upon it. The mayor of Congleton was entitled to be one of the posts by virtue of his office, and he must have represented the manor of that place.<sup>3</sup> If churchwardens could be appointed by lords of superior manors there was no reason why they should not have been appointed by lords of sub-manors.

<sup>1</sup> Heginbotham's *History of Stockport*, i. p. 199.

<sup>2</sup> Information by Mr. Mower.

<sup>3</sup> *Notes and Queries*, 7th Series, i. p. 251; Ormerod, *op. cit.*, p. 28.

## CHAPTER XIII

### THE LORD'S BAKEHOUSE—THE HOLY CAKE

IN 1436 the churchwardens of Tintinhull, Somersetshire, paid for making the common bakehouse.<sup>1</sup> Many items of expenditure relating to this building occur in their accounts; thus in 1447 there is a payment for repairing the common bakehouse of the town.<sup>2</sup> There was a small chief rent payable to the lord,<sup>3</sup> but, subject thereto, the community were the owners of the bakehouse. It will be remembered that at a meeting held at the parish church in 1676 the burgesses of Sheffield requested the lord of the manor to consent to the removal of the common bakehouse to another place, where it might be less dangerous to the town (p. 263, *supra*). Thus it appears that the bakehouse was a building in which the lord and the tenants had a joint interest, the lord's interest being confined to the ground rent.

That the bakehouse at Tintinhull was the property of the village community is apparent on two grounds. In the first place it is described as the *common* bakehouse. In the next place this is the appellation given to other bakehouses which are expressly described as held in common by the tenants of a manor. Thus in 1479 the tenants of the manor of Silksworth, Durham, are described as holding the common bakehouse.<sup>4</sup> About a century earlier the tenants of the manor of Carlton, Durham, are described as

<sup>1</sup> "It. J. Davy ad faciendum communem furnum, xxvjs. viijd."—*Churchwardens' Accounts* (Somerset Record Society), p. 177.

<sup>2</sup> "It. pro ij plaustratis librarum petrarum ad communem furnum ville emendandum ibidem, xvijd."—*Op. cit.*, p. 183. In 1459 it is called "communis pistrina."

<sup>3</sup> "Domino Priori pro capitali rentale commnnis furni hoc anno, xiiij."—*Op. cit.*, p. 183.

<sup>4</sup> "Habent etiam ibidem unum commune furnum pro tenentibus Prioris."—*Black Book of Hexham* (Surtees Soc., No. 46), p. 64.

holding among themselves the common bakehouse at a rent of two shillings, payable quarterly to the Bishop of Durham as lord of the manor.<sup>1</sup> These are typical examples, and Bishop Hatfield's Survey shows that in every manor included therein the bakehouse is either described as the common bakehouse, or as being in the common occupation of the tenants. In 1438 we find that the common bakehouse at Tintinhull was let by the community to Stephen Baker for three years at the rent of 6s. 8d., which was equivalent to about £10 of our money. In 1459 it was let to two men for a year at a rent of 10s., and at a later date for 11s. 4d. In 1542 the vicar of Tintinhull paid rent to the churchwardens for the chamber in the bakehouse. All these payments are entered in the churchwardens' books.

Not only was the village community of the fifteenth century, as we see it in these accounts and surveys, in possession of the nave and tower of the church; it was also, subject to a chief rent, in possession of the lord's bakehouse and the lord's brewhouse, these being either in the churchyard or close to the church. As a rule the bakehouse and the brewhouse were distinct buildings. In the Durham Surveys they are mentioned under separate headings. Separate chief rents are payable to the lord in respect of them, and they are let by the community as separate holdings to different persons.

If a chief rent was payable to the lord in respect of the bakehouse and the brewhouse, we might expect that such a rent would be payable in respect of the church itself, as a kind of feudal acknowledgment that the soil belonged to him. We can only, however, refer to two cases in which the churchwardens paid rent for the church, and both are of the sixteenth century. In 1559 the churchwardens of Bishop's Stortford paid eightpence "to Mr. Parson" for two years' rent for the church.<sup>2</sup>

In 1593 and subsequent years the churchwardens of St.

<sup>1</sup> "Communis furnus. Iidem tenentes tenent inter se communem furnum."—*Hatfield's Survey* (Surtees Soc.), p. 178.

<sup>2</sup> Glasscock's *Records of St. Michael's Parish Church, Bishop's Stortford*.

Thomas, one of the churches in Salisbury, paid £10 to the Dean and Chapter of that city as "rente of the churche." In 1602 the clerk of the churchwardens made this quaint entry in their book: "I paid to the Deane and Chapter to clear all the arrerages which were behynde unpaide of the rent of our parrishe church of St. Thomas whatsoever from the begininge of the world untill the feast of St. Mary the fyve and twentieth daye of March Anno Domini 1602."<sup>1</sup>

It appears, therefore, that chief rents were sometimes paid for churches as well as for the bakehouses and brew-houses adjoining those churches.

As the lord's hall was supplanted by the church, so his bakehouse and brewhouse seem to have continued in use as appurtenances of that building, as they had formerly been appurtenances of the hall. We have already seen that in 1141 an English manor-house, consisting of a hall and chamber, was equipped with a separate kitchen, and with a lead boiler and stove for brewing, all these being included in a lease of the manor. In another lease of a manor about the same date we read of a kitchen and a brew-house.<sup>2</sup> Since the manor-house was always close to the church, and often stood in the same enclosure, it is not likely, at all events in the twelfth century, that there was a lord's public bakehouse and a lord's private bakehouse, or a lord's public brewhouse and a lord's private brewhouse.

Here and there the village bakehouse still remains by the side of the church or churchyard. Nine feet from the west side of the churchyard wall at Ashover, in Derbyshire, is an old building formed of well-jointed ashlar stones, with walls about three feet thick, known as the Bakehouse (Fig. 35). It is still used for baking bread for sale. The large old oven is circular, with a fireplace on one side of its iron door. The oven, concealed on the outside by a lean-to roof, projects from one of the side walls of the building, which forms a dwelling-house as well as a bakehouse. Adjoining the opposite side of the churchyard stands an inn, with low thatched roof and Jacobean windows. The

<sup>1</sup> *Churchwardens Accounts of S. Thomas, Sarum*, pp. 302-4.

<sup>2</sup> *Domesday of St. Paul's*, pp. 132, 136.



buttresses which support its gable end stand in the churchyard itself. Not many years ago a quaint old baker's shop, with a little house above it, stood at the east end of Chipping Barnet church, Hertfordshire. It "was built on to the end of the church in such a manner that the uninstructed stranger was at a loss to know where the ecclesiastical building ended and the secular one began."<sup>1</sup>

No instance appears to be known of a bakehouse inside



FIG. 35.—The Bakehouse, Ashover.

an English church, but ovens are found in the old Coptic churches of Egypt, and we have seen that bakers' ovens occur in some old French churches (p. 88, *supra*).

Nearly every Coptic church has an oven for baking, as we are told, the Eucharistic bread. In one case the north aisle is walled off the rest of the building, divided into three apartments, and used as an outhouse for filters and various utensils. The oven is in the westernmost of these rooms.

<sup>1</sup> C. G. Harper, *The Manchester and Glasgow Road*, vol. i.

At another church the bakehouse is in a corner of the courtyard. The bread is leavened, made into round flat cakes about three inches in diameter, and stamped with crosses, like our hot cross buns on Good Friday. Not only do these churches contain ovens, but at the church of Abu-'s-Sifain, in Old Cairo, an ancient winepress, mounted in a heavy wooden frame, lies under the roof of the church, and in the spring of each year is transported to another church, where wine for all the churches in the neighbourhood is made in Lent. It is distributed to them in large jars, holding three or four gallons apiece, and is made in sufficient strength and quantity to last all the year round. In 1846 Tischendorff said that the ovens of these churches were "employed in baking the sour sacramental bread used fresh at every mass. These loaves are round, like a small cake, of the size of the palm of the hand, not over-white, and stamped at the top with many crosses. One is eaten at the altar, and the remainder are distributed amongst the community after mass." In the neighbouring monasteries of the Sahara the ordinary household bread is baked in "small round cakes."<sup>1</sup> It is very unlikely that the oven and the winepress of these Coptic churches were originally intended for making the Eucharistic bread and wine alone, and not for domestic use, and there is an obvious analogy between them and the common bakehouse and common brewhouse of our English churches. And since these were known as the lord's bakehouse and the lord's brewhouse, it is reasonable to infer that originally the oven and winepress of Coptic churches were the equipments of a great house. These churches, it will be remembered, contain rooms for the priests' families, and also wells, or tanks, so that they can hardly be distinguished from large dwellings.

In England the sale of bread was a monopoly in the hands of the lord or in that of the local community. Not only were the tenants of a manor fined if they did not grind their corn at the lord's mill, but also if they sold

<sup>1</sup> Butler's *Ancient Coptic Churches of Egypt*, i. pp. 44, 71, 115-16, 277, 297; ii. pp. 277-9; Tischendorff's *Travels in the East*, trans. Shuckard, p. 51.

bread which they had not baked in the lord's oven. In 1231 the lord of Edlinebrugge in Kent took a halfpenny (*obolus*) from everybody who sold bread in the town, or a loaf of the value of a halfpenny. In 1275 a jury found that the masters of a hospital in Ashbourne, Derbyshire, had a bakehouse for baking bread which was a serious injury to the king's borough. And they found that certain persons exposed bread for sale in their windows, and used a mark for ale on their bottles and measures of capacity to the king's serious damage. At Rotherham in 1500 "there was a common or lord's bakehouse, at which the indwellers were to bake their bread, except what was wanted for their own families." In other words, bread for sale could only be baked at the common bakehouse. As late as 1694, the common bakers of bread for sale in Durham were obliged to bake at the ancient common bakehouse called the Bishop's Bakehouse.<sup>1</sup>

In the fifteenth century the common bakehouse was not only managed by the churchwardens as agents of the community, but was a source of profit to them. For instance, in 1437 the churchwardens of Tintinhull received a profit (*incrementum*) of 17s. 6d. from the bakehouse. In 1469 it produced a profit of 39s. 4d. The churchwardens of St. Peter in the East, Oxford, made a profit by the sale of ale and bread which were baked and brewed in the church-house.<sup>2</sup>

In addition to the income from the bakehouse there was another source of profit to the churches, and that was the regular contribution by each house, or holding of a manor, in its turn, of a holy cake, or holy loaf.

By the Constitutions of Giles de Bridport, Bishop of Salisbury, made in the year 1254, parishioners were ordered to provide the holy loaf every Sunday. About 1345 the parishioners of Torksey, near Lincoln, supplied from each house, when its turn came, a loaf, price 1d., which was

<sup>1</sup> Bracton's *Note Book*, ii. p. 514; *Rotuli Hundredorum*, i. 61 a; Hunter's *South Yorkshire*, ii. p. 10; Denton's *England in the Fifteenth Century*, p. 242; *Archæologia Æliana* (N.S.), ii. p. 216.

<sup>2</sup> Capes, *The English Church in the Fourteenth and Fifteenth Centuries*, p. 274.

called blessed bread. This was a manorial regulation.<sup>1</sup> In 1373 it was declared by the jury of the manor of Edmundbyers that holy bread (*panis benedictus*) was provided, according to custom, by all the holdings of the manor, and that he who had three holdings should render such bread, when his turn came, in respect of each holding. They further declared that this custom had existed before the memory of man. At Pittington, in the same neighbourhood, a manorial order was made in 1379 that every tenant of the manor, when his turn came, must heat the oven.<sup>2</sup>

At Coventry in 1475 it was ordained at the Easter Leet that those who gave the holy cake must give no small cakes, under the penalty of 20s., and that the mayor should send to every baker and warn him of the order. At a Leet held in 1520 it was ordered that the inhabitants of the parish of St. Michael in this city, when their turn came to give the holy cake, must make only one holy cake, putting therein no more than three strike (bushels) of wheat, and that they must make no cake or bun except the holy cake, under the penalty of 20s. It was also ordered that the inhabitants of Trinity parish should put no more in their holy cake than two strike of wheat, and that they should make no other bun or cake. At a Leet held in 1539 it was ordered that thenceforth the serjeants who warned the common watch must first begin to warn them at St. Margaret's Chapel, and, keeping the south side, go through every street of the city "as the holie Cake goith."<sup>3</sup> The meaning is that the holy cake was provided by each householder in turn, house by house, and street by street. The cake at Coventry appears to have been one big loaf, because in the church of Holy Trinity one of the duties of the deacon, in 1462, was to see that it was cut every Sunday according to every man's degree, and to serve the people therewith in the north side of the church.<sup>4</sup> The portions

<sup>1</sup> *Borough Customs*, ed. Bateson (Selden Soc.), ii, p. 212.

<sup>2</sup> *Durham Halmote Rolls* (Surtees Soc.), pp. 118, 157.

<sup>3</sup> *Coventry Leet Book*, ed. M. Dormer Harris (E.E.T.S.), pp. 417, 669, 738-9.

<sup>4</sup> "Also ye sayd dekyn schall se ye woly cake, every sonday, be kyte a quording for every man's degre, and he schall beyr ye woly bred to serve ye pepyll, in ye northe syde off ye church."—Sharp's *History and Antiquities of Coventry*, 1871, p. 122. In



which were cut off the cake and distributed were known at Salisbury, and in the neighbourhood of Durham, as "cantles."

In the churchwardens' accounts of St. Edmund's, Salisbury, which extend from 1461 to 1702, and are voluminous and full of details, no mention of wine occurs before 1552. An inventory of 1472, however, includes several chalices, and probably wine for the mass was found by the priest himself, being only used by him. But portions of the holy cake, known as cantles, were distributed to the people on Sunday, and paid for by them. During many years the churchwardens entered in their receipts the sum of 8*d.* a week "for the cantles," for this had become a fixed payment, like a rent charge. The first mention of wine for the communion occurs in 1552, and it had then become usual to administer the sacrament in both kinds. After this year the regular receipt of 8*d.* a week for the cantles still goes on, and a small gratuity is paid for collecting the money. But in 1590 the sum of 53*s.* 4*d.* was paid for bread and wine for the communion. Though the usual receipt of 8*d.* a week for the cantles still occurs, the churchwardens found it necessary to buy an increasing quantity of bread and wine every year. It is difficult to distinguish the Eucharistic bread from the holy loaf, as no other bread is mentioned in the accounts.

The following order was made by the vestry of St. Edmund's, Salisbury, on the 6th of May 1603. It was "agreed with the whole consent of the company of the vestry that the bread and wine for the communion shall be gathered in three several circuits, that is to say: (1) The first circuit shall begin at the house of Robert Grinnawaies, which was sometime the house of the widow Cuddimore, unto John Aman's adjoining to the abbey door, the which are six checkers, besides the outsides, and from Richard Mylles his house unto the same John Aman's house. (2) The second circuit shall begin from John Aman's house

1544 the wardens of St. Mary Redcliff, Bristol, paid 26*s.* "to the bakar for the churche kake all the yere." They seem to have paid it out of endowments in their hands. *Select Cases from the Star Chamber* (Selden Soc.), vol. ii. p. 275.

six checkers, that is to say, Mr. Thomas Grafton's checker, Robert Eyre's checker, William Brotherton's checker, Mr. Hobbes' checker, and Mr. Bedford's checker. (3) The third circuit shall begin at the Water Lane in Castle Street round about unto Mr. Edward Estcourt his house. This order to continue for ever."<sup>1</sup> A subsequent passage shows that the "checkers" were inns, such as the White Horse. It is evident that the bread and wine were collected from house to house exactly in the same way as the holy bread, or cake, was collected from house to house at Torksey and Coventry.

Thirty years afterwards the supply of bread and wine by each house in its turn was commuted into a payment in money, for in 1633 the vestry of St. Edmund's ordered "that a rate should be made through the parish every year for the payment of bread and wine, and the holy loaf to cease." Nevertheless the usual 8*d.* a week was received up to 1641. At the church of St. Thomas, in Salisbury, holy loaf continued to be supplied from 1547 to 1561, when a sum of money is entered in the accounts in its place. In 1580 it became "communion money," or "communion bread money."<sup>2</sup>

After the bread thus provided had been blessed by the priest, it was cut up and carried round in a "coffin," or basket, and paid for by the recipients, so that in this way a small sum of money was provided.

Between 1209 and 1235 the vicars of Winthorpe and Burgh, in Lincolnshire, were entitled to the altar bread (*panem de altari*) as part of their endowments.<sup>3</sup> In 1349, when a vicarage was ordained at Dewsbury, it was stipulated that the vicar should have all pence accustomed to be paid for holy bread (*panis benedictus*).<sup>4</sup> Both these grants were made by the lord of the manor. The sum produced

<sup>1</sup> *Churchwardens' Accounts of S. Edmund and S. Thomas, Sarum*, p. 194. We have modernised the spelling.

<sup>2</sup> *Op. cit.*, pp. 198, xviii.

<sup>3</sup> *Liber Antiquus Hugonis Wells*, ed. Gibbons, p. 59.

<sup>4</sup> S. J. Chadwick in *Yorkshire Archaeological Journal*, xx. pp. 382, 387. Nothing is said in the accounts of this manor for the previous year (p. 149, *supra*) about the money received for holy bread, and it was probably included in the altarage.

by the sale of the holy cake might have been diminished if others had sold bread during the time of Communion, and at Rotherham penalties were inflicted by the manorial court for selling bread at the church stile on Sundays and holy days at this time.<sup>1</sup>

Here and there we find endowments for the provision of holy bread. The monks of Kelso had seven acres of land at Clifton which the lord gave to the church of Mole for finding holy bread. There was an endowment for this purpose at St. Mary Magdalen, Colchester. Some portions of glebe at East Preston, in Sussex, were known in 1635 as Holly Breads. In 1409 a cow was bequeathed to sustain the blessed bread distributed among the parishioners of West Farleigh, in Kent, on Sundays. In 1574 there was in the parish of Winkleigh, Devon, "a pece of ground called Dedmans Myer, out of which goeth yerely xij*d*. for finding of hollibred within the parisshe church." A piece of land at Stanford-in-the-Vale, Berkshire, was also devoted to the same purpose, for the churchwardens' accounts say that "the geuying of the holy Lofe takith his begynnyng at a pece of Grownde called Ganders."<sup>2</sup>

In the customary law of the ancient Irish "the Sunday gift" is defined as "the Sunday meal to be given by the married pair to their church."<sup>3</sup> This may have been the holy loaf.

In 1575-6 a question arose as to the dependence of the chapel of St. Margaret on the church of St. Oswald in Durham. On this occasion a weaver, aged fifty-seven years, said "that about thirty years ago, and since, the inhabitants appertaining to the chapel of St. Margaret's, according as their course fell, [ought] to have brought every Sunday their holy bread cake in a towel open on their breast, and laid it down upon the end of the high altar of St. Oswald's, and 1½*d*. in money also with the said cake; and the clerk took the cake, and the proctor

<sup>1</sup> Hunter's *South Yorkshire*, ii. p. 10.

<sup>2</sup> *Exchequer Special Commissions*, 641, 7th Eliz. in Public Record Office, supplied by Miss Lega-Weekes; Rock's *Church of Our Fathers*, 1903, i. p. 111; *Testamenta Cantiana* (West Kent), p. xx.

<sup>3</sup> *Ancient Laws of Ireland*, iii. p. 19.

(churchwarden) the silver; and after the cake was hallowed, the clerk cut off a part of the said cake, called the holy bread cantle, to give to their next neighbour, whose course was to give the holy bread the next Sunday then next after; and this order was commonly used of all the inhabitants appertaining to the said chapel of St. Margaret's, so long as the order and giving of the holy bread silver did remain, referring him to the Queen's book."<sup>1</sup> The laying of the holy bread on the altar shows that it was the same thing as the altar bread which the vicars of Winthorpe and Burgh in the early years of the thirteenth century were entitled to receive as part of their endowments.

We have seen that at Torksey, Edmundbyers, and Coventry the holy loaf was provided in accordance with a manorial regulation. It is a significant fact that at Dewsbury, before 1348, and at Burgh and Winthorpe, between 1209 and 1235, the holy cake, or altar bread, was in the gift or disposition of the lord. It is just possible that the holy loaf had its origin in the loaves which certain villans were bound to give yearly to their king (or lord). In Wales threescore loaves of wheat bread made of wheat grown on the spot were given. Among these, "nine loaves were of fine flour, three for the chamber and six for the hall, each loaf to be as broad as from elbow to wrist."<sup>2</sup>

<sup>1</sup> *Depositions and Ecclesiastical Proceedings from the Courts of Durham* (Surtees Soc.), p. 281. We have modernised the spelling.

<sup>2</sup> See Wade-Evans, *Welsh Mediæval Law*, 1909, p. 207.



## CHAPTER XIV

### THE LORD'S BREWHOUSE

BETWEEN 1479 and 1482 the community of Tintinhull, in Somersetshire, had a common brewhouse, repaired out of the fund of which the churchwardens were the accountants.<sup>1</sup> That this building was the property of the village community is apparent on two grounds. In the first place it is described as the *common* brewhouse. In the second place this is the appellation given, at the same period, to other brewhouses which are expressly described as held in common by the tenants of a manor. Thus in 1479 the tenants of the manor of Silksworth, Durham, are described as holding the common brewhouse.<sup>2</sup> About a century earlier the tenants of the manor of Carlton, Durham, are described as holding among themselves the common brewhouse, at a rent of two shillings, payable quarterly to the Bishop of Durham, as lord of the manor.<sup>3</sup>

Unlike the bakehouse, which was always known by that name, the brewhouse acquired, like the modern tavern, other designations. It was known as the scot-ale house, the tap-house, the give-ale house, the church ale-house, the parish house, the ale-house, and the church-house. In the greatest number of instances it was called the church-house. A tap-house was a tavern, or inn, and the name scot-ale house is of great interest because it connects the building with the lord's scot-ale, which can be traced back to the twelfth century.

<sup>1</sup> "It. carpentario pro reparatione ecclesie et domus servicie (cervisiæ), ix*s*. x*d*. It. W. Newman pro reparatione domus communis servicie, v*js*. iii*d*."—*Churchwardens' Accounts* (Somerset Record Society), p. 193.

<sup>2</sup> *Black Book of Hexham* (Surtees Soc., No. 46), p. 64.

<sup>3</sup> "Bracingagium. Iidem tenentes pro bracinagio villæ . . . 2*s*."—*Hatfield's Survey* (Surtees Soc.), p. 178.

Apart from other evidence, the contents of the church-house show that it was a brewhouse, or inn, or a combination of both. Thus when the churchwardens of Yatton, in Somersetshire, were appointed in 1492, the following inventory<sup>1</sup> was delivered to them :

This be perselles that longyth to the Cherche howse, the yere A.D. m.cccc.lxxxii. delyveryd to the Wardens that yere.

In primis a chetyll.	It. kyve vate.
It. ij grett crocks.	„ ij trowys.
„ ij lysse crocks.	„ ix stonds.
„ iiij pannys.	„ ix barellys.
„ a botum for a panne.	„ xxj trendyllys.
„ a brandyre.	„ vj borde clothis.
„ v tun vats.	

In other words, the church-house contained a kettle, or great brewing caldron, two great crocks, two smaller crocks, four pans, a bottom for a pan, a brandiron or gridiron, five tun vats, a keeve vat or tub used in brewing, two troughs, nine stands for barrels, nine barrels, twenty-one trendles or brewer's coolers, and six table-cloths. Here, excepting the table-cloths, we have only the utensils of a simple brewhouse. But the church-house was more than that. The accounts of the churchwardens tell us that between 1472 and 1545 it had a chamber, sometimes called the high-chamber, which contained forms and trestles, and was approached by stairs. It had a broach, or spit, and a cowle, or measure for ale. In 1473 it had a well lined with stone, and used no doubt for brewing, with a bucket and iron chain. This was called the church well in 1508, and in 1517 it had a pump. In 1516 the churchwardens accounted for ten yards of crest-cloth, a kind of linen, to make meat cloths for the church-house. In the following year it had "seges," seats, or benches. In 1526 it had a dozen and a half drinking bowls. In 1528 it had a fire-place, with a "clavey," or wooden lintel. In 1531 it had two kilderkins, two salt-cellars, and a ladle. In 1545 it had a kitchen. In 1555 it was let to a tenant.

<sup>1</sup> *Churchwardens' Accounts, ut supra*, p. 119.

According to Toulmin Smith, the churchwardens' accounts of Steeple Ashton, Wiltshire, record a payment for a load of thorns to make the church-house garden. The Somersetshire accounts show that the stock of trenchers, cups, bowls, and other articles was constantly being replaced by the churchwardens. From such details we seem to learn that the church-house, originally the common brew-house, had become an inn and a place of entertainment.

At Tintinhull in 1507 the church-house came to be known as the alehouse; at Morebath in 1526 it was called the church alehouse.<sup>1</sup>

Usually the church-house was very near the church. In 1636 we hear of a feast being kept "in the Church-house joyning to the Church."<sup>2</sup> Whether this means annexed to the church, or very near it, is not clear. In 1593 Nashe wrote: "Hath not the diuell hys Chappell close adioining to God's Church?" And in 1596 the same author made this comparison: "As like a Church and an alehouse, God and the divell, they manie times dwell neere together."<sup>3</sup> The "devil's chapel" here seems to be the alehouse. Everybody must have noticed how often an old inn adjoins the churchyard. At North Wingfield, in Derbyshire, one of the doors of the inn opens into the churchyard.

But ale was sometimes sold in the church itself, or in an annexed building. Thoroton, who published a history of Nottinghamshire in 1677, gives the following account of Thorpe-by-Newark: "Inclosing the Lordship hath so ruined and depopulated the Town that, in my time, there was not a House left inhabited of this notable Lordship (except some part of the Hall, Mr. Armstrong's House) but a Shepherd only kept Ale to sell in the Church."

In 1817 Lysons wrote thus of Dale Chapel, near Derby :

<sup>1</sup> "For mending the vessels of the all house, vjd. It. a diversis pro brewing at the All house, ijs. vjd. For the cherche ale howse dore loke and for the setting, viijd. ob." — *Churchwardens' Accounts, ut supra*, pp. 199, 201, 219.

<sup>2</sup> *Divine Tragedie lately Acted*, 28, in *Oxford English Dictionary*, s.v. church-house.

<sup>3</sup> *Notes and Queries*, 10th Series, ix. pp. 187, 255, where "the devil's chapel" is discussed.

"There is a small chapel here for the use of the district, and what is very remarkable, under the same roof and having a communication with a public-house."<sup>1</sup> This chapel, now described as a church, is in the extra-parochial township of Dale Abbey. In 1833 another writer thus described the building: "The chapel . . . is still devoted to divine service, although under the same roof, and communicating with it by a small door, is an old office, which, a few years ago, was used as a public-house."<sup>2</sup>

The public-house mentioned by Lysons was an ancient thatched timber building annexed to the west end of the stone-built chapel, and consisted of two rooms on the ground-floor, each containing a fire-place, with corresponding rooms above them. Mr. Ward, who described the chapel in 1891, says: "On the west wall may be traced the outline of a pointed doorway which formerly communicated with the old Church House. Many years ago this house was an inn, and its bar-room served as a vestry. . . . Half a century ago the old doorway was built up as we see it now." The old church-house was destroyed ten years before Mr. Ward wrote his account, and a new church-house, so-called, built in its place. The old church-house, which was longer than the chapel itself, but not so wide, was oblong in plan, extending thirty-five feet westwards of the chapel, and had a breadth of eighteen feet six inches. The chapel and the church-house contained about the same area. An upper chamber extends over part of the chapel itself, and, before the removal of the old church-house, the whole building resembled a very picturesque dwelling-house, only the tombstones in the graveyard and the chancel windows reminding the visitor that the object before him was an ancient chapel. Mr. Ward ascribes the chapel and also the blocked-up west door to the twelfth century. It is more difficult to give a date to the old church-house, but Mr. Ward regards it as anterior to the Reformation.<sup>3</sup> If this church-house was an

<sup>1</sup> *History of Derbyshire*, p. 96.

<sup>2</sup> Glover's *Derbyshire*, ii. p. 348.

<sup>3</sup> *Derbyshire Archæological Journal*, xiii. pp. 174-189. Mr. Ward gives a plan and drawings.



alehouse in 1817 it may have been an alehouse long before, for the small door in the west end appears to show that a building of some kind was annexed to the chapel from the date of its foundation. Over the porch of Chalk church, near Gravesend, is the grotesque figure of a man holding a jug of ale in both hands.

On the Continent the practice of keeping a tavern for the sale of wine in church goes back to the fifth century. "A canon ascribed by Ivo to the Synod of Tours, A.D. 461, states that 'it hath been related to the holy synod that certain priests in the churches committed to them (an abuse not to be told) establish taverns and there through *caupones* sell wine and allow it to be sold'; so that where services and the word of God and His praise should alone be heard there feastings and drunkenness are found."<sup>1</sup> Gregory of Tours (7, 29) speaks of drinking-bouts in the church porch.

There is no evidence, however, in the published churchwardens' accounts of Somersetshire that the village communities maintained alehouses at which ale was sold daily. What they show is that the communities, through their agents, bought and received gifts of oats and barley for brewing, paid the wages of brewers, and applied the net profit, called the *incrementum*, or increase, to the repair and maintenance of the fabric of the church, to the purchase of vestments, ornaments, candles, and books, and sometimes to other public purposes.

In 1433 the churchwardens of Tintinhull received 6s. 8d. from the profit of a brewing made by them. In 1435 they received bushels and quarters of oats for brewing from thirteen different persons. They let the brewhouse at various times for private brewings therein. The brewings of ale made by the churchwardens came to be known as church-ales. Thus in 1459 the churchwardens received money for a church-ale (*brasina ecclesie*) sold on the Feast of the Invention of the Cross (May 13). In 1467 they received 26s. 8d. for a brewing, and 5s. for blessed bread. They are

<sup>1</sup> Smith's *Dictionary of Christian Antiquities*, s.v. *caupona*.

often described as selling "taverns of ale"—an expression which seems to refer to wholesale dealings in this liquor, and means cellars of ale.

At Yatton in 1445 the churchwardens lent the brewing kettle to various persons for small sums. The next year they hired brewers to brew, and paid the wages of two men who helped in the brewing. In 1447 there were certain persons known as "the wardens of the ale-making" who on Whitsunday received £4, 1s. 8d.; next year they received £4 for the ale on Whitsunday. Another "tavern of ale" produced £3, 16s. 8d. In 1448 the churchwardens received "for a tavern that was made of the church-ale" £3, 7s. 7d.<sup>1</sup>

In 1507 the churchwardens of Stogursey, near Bridgewater, bought six bushels of wheat against the next taverning (Tabernand), fifty bushels of barley, and twenty bushels of oats. The next year they sold the church-ale for £5, 7s. 7½d.—a sum which suggests that it was sold retail. In 1509 they sold the church-ale on Whitsunday for £4, 10s. 8d., and paid 10d. for mending the brewing kettle. In 1515 they sold the church-ale for £5, 13s. 4d., and in the same year the parishioners built a new church-house at the cost of nearly £30, not including the goodwill and operations of the parish. In 1524 they sold the church-ale for £7, 1s. 8d. In 1536 there was "an order taken by the 24 present of the whole parryshe in appoyntinge of the ale by the wardens for our Lady always to be taken the Sunday sevynnyght after Assumption of our Lady, and to contynew no longer but a monyth, and every man to geve his devocyon at the begynnyng of the yere."<sup>2</sup>

In 1474 the church of St. Edmund, in the city of Salisbury, had a scot-ale house which was constantly kept in repair by the churchwardens, and a small street near the church is still called Scot Lane. In 1500 it is called the tap-house. The churchwardens' accounts do not mention the purchase of malt for brewing, or any revenue derived from the loan of brewing vessels, and it is there-

<sup>1</sup> *Churchwardens' Accounts, ut supra*, p. 89.

<sup>2</sup> *Historical MSS. Commission*, vi. pp. 348-50.

fore probable that the ale for the tap-house was bought ready brewed, and sold at a profit.<sup>1</sup> But country churches seem always to have brewed their own ale.

The great brewings of ale for the churches took place at Easter and Whitsuntide, and in Ireland the Easter ale goes back to the time of St. Patrick, who is said to have lived in the fourth century. According to a Life of that saint, contained in a manuscript which has been ascribed to the eighth century, ale was always given out of a pitcher to mass-folk on Easter Tuesday.<sup>2</sup> In an Irish homily, St. Brigit is said to have supplied seven churches with ale "for Maundy Thursday and for the eight days of Easter,"<sup>3</sup> this season being in Italy and elsewhere the time of the Carnival. Another Life of St. Brigit, contained in the *Book of Lismore*, says that "when the hightide of Easter drew nigh, she desired through charity to brew ale for the many churches that were around her." The ale "was distributed to seventeen churches of Fir Tulach, so that the produce of one measure of malt supplied them through Brigit's grace from Maundy Thursday to Low Sunday. . . . When the hightide of Easter was fulfilled, Brigit asked of her maidens whether they had still the leavings of the Easter ale." It is said that the maidens brought a pail full of water, which she straightway changed into ale.<sup>4</sup> As late as 1796 the churchwardens' accounts of Shap, in Westmorland, mention a payment of five shillings "for Ale on Easter Day."

From 1461 to 1541 the churchwardens of St. Edmund's, Salisbury, bought ale every Maundy Thursday, which was the day before Good Friday. At the same time they purchased a number of white ashen cups, and in 1500 it is said that these were made for the occasion (*factis pro le maundy*). They also provided a dinner or breakfast (*jantaculum*) for themselves, "after the old custom," at which the traditional dish was a calf's head, with heart, liver, and

<sup>1</sup> *Churchwardens' Accounts of S. Edmund and S. Thomas, Sarum*, pp. xvi, 19, 55-

<sup>2</sup> *Tripartite Life of St. Patrick*, i. p. 121.

<sup>3</sup> *Three Middle-Irish Homilies*, ed. Stokes, p. 67.

<sup>4</sup> *Book of Lismore*, ed. Stokes, pp. 188-9.

lights, eggs, manchets, cakes, bread, cheese, and a flagon of wine. In 1461 they bought twenty-four gallons (*lagenæ*) and twelve cups "for the maundy on the day of the Lord's Supper." In 1462 they bought two cowls of ale, and to these two more gallons of ale and a bottle of wine were added. In 1480 they spent 2s. 3d. for a cowl (*tina*) and a quarter of ale "at the Lord's Supper within the church." In 1483 they paid 3s. to two men in the city for "two cowls of good ale for the maundy within the church this year," and 6d. for "twelve white cups for the maundy at the said Lord's Supper." In 1484 they spent 2s. 3d. for a *duodena* (a twelve-gallon cask?) of ale "for the maundy on Thursday at the Lord's Supper." In 1490 they spent 2s. 3d. for a cowl and a quarter of good ale for the maundy on Shere Thursday, which is another name for the Thursday before Good Friday, and means "Baptism Thursday." In 1495 they paid 2s. 3d. for a *duodena* and a half of ale "for the maundy on Thursday at the Lord's Supper."<sup>1</sup>

The ale at St. Edmund's was not all consumed on Maundy Thursday, because in 1500, after the usual payments for that liquor and for ashen cups, the churchwardens claimed an allowance of a penny "for bread for the masters of the parish who drank the leavings of the maundy on Easter day and in Easter week."<sup>2</sup> Whether "the masters of the parish" were the churchwardens, or the "company," as it was called, of twenty-four persons who formed the governing body is uncertain, but the purchase of twenty-four gallons in 1461 appears to show that the "company" was meant. It was "the masters" who, in 1564, elected the mayor in this church.

The expression *cena domini*, to which we have given its literal meaning of "Lord's Supper," and which Mrs. Straton, the editor of these Salisbury accounts, translates "master's feast," is said to be a name for the Thursday before Good Friday, that being the day on which Christ is believed to

<sup>1</sup> *Churchwardens' Accounts of S. Edmund and S. Thomas, Sarum*, pp. x, xxiv, 8, 9, 10, 17, 22, 24, 32, 36, 38, 45, 85.

<sup>2</sup> "Pro pane pro magistris parochie qui biberunt reversionem seruicie de le maundy in die pasche & in septimana eiusdem, *jd.*"—*Op. cit.*, p. 55.



have instituted the Sacrament of the Lord's Supper. But that explanation cannot be accepted here, and when the churchwardens speak of providing ale "at the Lord's Supper within the church" we seem to be taken back to a time when possibly the lord of a church himself provided a feast for his tenants on this day. At all events we find the lord of a manor in 1512 speaking of *his* maundy as a yearly custom, giving a feast to the poor on Maundy Thursday, and presenting the guests, among other things, with ashen cups of the same value as those which the churchwardens of St. Edmund's bought in 1483, namely, a halfpenny each. In this case the cups contained wine.<sup>1</sup> The ashen cups at St. Edmund's may also have been given away because, as every year came round, the churchwardens bought new ones.

The municipal records of Newcastle-upon-Tyne show that, in the sixteenth century, wine for the Easter communion in that town was provided by the corporation, and that the quantity sent had, on two occasions, to be supplemented by an extra purchase. In 1593 the corporation paid for a hogshead of claret to serve the churches against Easter for their "communements," namely, for St. Nicholas church, twelve gallons; All-Hallows, twenty gallons; St. John's, fifteen gallons; St. Andrew, ten gallons—fifty-seven gallons in all. This, however, was not enough, and four gallons more were purchased.<sup>2</sup> On Easter Sunday, 1617, there were no fewer than 1141 communicants at the little church of Bradfield, near Sheffield.<sup>3</sup> At St. Columb, Cornwall, in 1590 the sum of 20s. was paid for bread and wine for the Easter communion, and 5s. for the "tavern of wine" for the whole year.

At St. Edmund's, Salisbury, the great source of income was the King-ale, which was a scot-ale connected with the ceremony of the King and Queen of May performed at Whitsuntide, and continued, it seems, in October. In 1461 the churchwardens received £23, 8s. 10d. from this

<sup>1</sup> *Northumberland Household Book* in Brand's *Popular Antiquities*, 1849, i. p. 147.

<sup>2</sup> R. Welford in *Notes and Queries*, 10th Series, x. p. 251.

<sup>3</sup> J. S. Fletcher's *Picturesque History of Yorkshire*, i. p. 315.

source—a sum which, says the editor of the accounts, is equal to nearly £300 at the present day. Of such importance was the matter regarded that the churchwardens entered into a contract, or written agreement, with the men and women who acted the part of King and Queen.<sup>1</sup> In 1469 they received from the King-ale £9, 18s. 10d., the money being collected in four sums by four different sets of persons. It is described as received in the week next before the feast of Pentecost, in the week of Pentecost, in the week next after the feast of Pentecost, and in the week in which the feast of the translation of St. Edmund occurs (Oct. 13). Hence the festivity continued for three weeks at Whitsuntide, and was resumed in October. The duty of taking the part of King or Queen was obligatory, persons who refused the office being fined.<sup>2</sup> Nothing is said in the churchwardens' accounts of St. Edmund's about the brewing or the purchase of ale. We have seen, however, that the church had its scot-ale house or tap-ale house.

Whether the large quantity of ale sold at Whitsuntide was all drunk at that festive season, whether some of it was bought so that it might be afterwards sold by retail, or whether some of it was sold in barrels to the members of the community to be consumed in moderate quantity at home—these are questions which must be left undetermined. If such a quantity was all drunk at Whitsuntide the amount was excessive. At Yatton in 1447 the churchwardens, as we have just seen, received £4 for the ale sold on Whitsunday, a cow in Somersetshire at that time being only worth ten shillings. Hence if the ale were all drunk at Whitsuntide the inhabitants must have swallowed the price of eight cows. That would have been an incredible quantity in a Somersetshire village even at a season of licence, when men believed, as Dr. Frazer has shown, that the growth of the crops was promoted by indulging in

<sup>1</sup> "Scot-ale.—Et de xxij li. viijs. xd. rec' de diuersis jocalibus regibus et reginis hoc anno prout patet per indenturam inter ipsos et predictos computantes."—*Churchwardens' Accounts of St. Edmund's, &c.*, pp. xvi, xvii, 8.

<sup>2</sup> "Et de viij*l*. recept' de Johanne Shreffes hoc anno eo quod noluit regnare in seruisia regali."—*Op. cit.*, p. 12.

certain excesses. According to the Black Book of Peterborough, A.D. 1125-8, the cotsets of Kettering brewed twice a year.<sup>1</sup>

As regards the village alehouse it is remarkable that the Poll Tax Returns for the West Riding of Yorkshire, made in 1379, do not include the alehouse-keeper, or tavern-keeper, among the occupations mentioned in them. That ale was brewed and sold in those villages is certain : it was brewed everywhere. If we take the district known as Hallamshire, the Returns do not mention a single alehouse-keeper. And yet this district included Sheffield, Handsworth, and Ecclesfield, which alone is one of the largest parishes in England, and includes an area of seventy-eight square miles. Each of these places had an ancient church, and Ecclesfield is known to have had its church-ale in 1527. The Poll Tax was graduated from 4*d.* to £4, and it fell on every married man for himself and his wife, and also on every single man and woman above the age of sixteen years. Hence the Returns purport to include everybody except children under sixteen. In the places just mentioned we are told of the smith, the souter, the cattle merchant, the baxter, the farmer of the manor, the butcher, the arrowsmith, the tailor, the mercer, the wright, the chapman, the webster, the marshal, or blacksmith, the bower, the mason, the saddler, the cooper, the glover, the walker, the locksmith, the slater, the cutler, but not a word about the alehouse-keeper under any description. There were six hostlers (inn-keepers) and three taverners in Pontefract, and there were three hostlers at Rotherham, which paid less tax than Sheffield.<sup>2</sup> Pontefract was a much larger town than the others which have been just mentioned, and the inns both there and at Rotherham were doubtless intended for the accommodation of travellers on the great high roads. But in the villages such an occupation as an inn-keeper of any kind is extremely rare. How can the absence of so profitable a calling be explained ?

<sup>1</sup> *Chronicon Petroburgense*, p. 157.

<sup>2</sup> *Poll Tax for the West Riding of Yorkshire*, 1882, *passim* ; Eastwood's *Ecclesfield*, 1862, p. 171.

The explanation is that anybody could sell ale provided that he bought it at the common brewhouse of his own village and not elsewhere. He might be a tanner, smith, tailor, cordwainer, goldsmith, clerk, chaplain, or of any trade or occupation whatever.<sup>1</sup> Brewing, like baking, was a monopoly in the hands of village communities and boroughs. Thus in 1365 the tenants of the manor of Pitlington, Durham, were forbidden to buy ale elsewhere than at the lord's brewhouse, provided that sufficient ale was to be had there, under a penalty of forty pence.<sup>2</sup> Such orders and penalties as this were not made or inflicted by the lord, but by the village community, or by an assembly elected by them, for, in the *Halmote Rolls* which are here referred to, the phrase "it is ordered by common consent" (*ordinatum est ex communi assensu*) is constantly repeated.

The village communities were in fact determined to keep the profits of brewing in their own hands. At the manor court of Castle Combe, held in 1385, it was ordained by the assent of the whole *villatus* (*sic*) that nobody should brew whilst any tenant of the lord had any ale to sell. And it was presented by the whole tithing (*decenam*) that J. B. had brewed contrary to this order to the serious injury of the lord's tenants. In April 1490, the homage presented that it had been ordered in the previous court that nobody should either brew or sell ale *until the ale brewed for the church had been entirely sold*, under pain of forfeiting 3s. 4d. to the church and 3s. 4d. to the lord.<sup>3</sup>

The brewhouse was a place where ale was drunk as well as brewed, and it was doubtless drunk fresh from the vat, as in the old breweries of Germany. Thus Chaucer in the *Miller's Tale* says of an Oxford parish clerk :

" In al the toun nas brewhouse ne taverne  
That he ne visitede with his solas,  
Ther as that any gaylard tapster was."

In the Somersetshire churchwardens' accounts the church-

<sup>1</sup> Morris's *Chester*, pp. 426, 430.

<sup>2</sup> *Durham Halmote Rolls*, p. 45.

<sup>3</sup> Scrope's *History of Castle Combe*, 1852, pp. 164, 325.



house is sometimes called *pandoxatorium*, which means a brewhouse. A brewhouse was an appendage of a Scotch barony ; in later times it was succeeded by the alehouse.<sup>1</sup> According to the Irish law tract known as the *Crith Gablach*, which professes to give a detailed account of the social ranks and organisation of an Irish tribe, an alehouse was part of a king's establishment, and an Irish petty king was merely a chief. On Sunday such a king was occupied at the ale-drinking, and we are told that "he is not a lawful Flaith (lord) who does not distribute ale every Sunday."<sup>2</sup> Sullivan and O'Curry agreed in attributing the composition of the *Crith Gablach* to the seventh century.

Authors not unfrequently say that the church-house was the village inn, and they point to the numerous instances in which an old inn adjoins the churchyard. But the proof of this would depend on the evidence in each particular case. It is no doubt hard to believe that a building which was found in every parish, of such importance, and so much used, as to need constant repair, was merely intended for brewing, for holding one or two of the great feasts of the year, and for preserving brewing utensils and the vessels used in eating and drinking on these occasions. In the parish chest at Whitwell, Isle of Wight, there was once a lease, dated 1574, "of a house, called the Church house, held by the inhabitants of Whitwell of the Lord of the manor and demised by them to John Brode, in which is the following proviso: 'Provided always, that if the quarter shall need at any time to make a quarter-ale or church-ale, for the maintenance of the chapel, it shall be lawful for them to have the use of the said house, with all the rooms, both above and beneath, during their ale.'"<sup>3</sup> Now unless this John Brode was an inn-keeper he would have found these drinkings in his house very inconvenient. At Stratton in Cornwall "and many other places a church-house

<sup>1</sup> Cosmo Innes, *Scotch Legal Antiquities*, p. 48.

<sup>2</sup> *Ancient Laws of Ireland*, iv. pp. clxxiv., 341; O'Curry's *Manners and Customs of the Ancient Irish*, iii. p. 506.

<sup>3</sup> Worsley's *History of the Isle of Wight*, p. 210. The Rev. J. C. Orr, vicar of Whitwell, informs the writer that the lease was lost some thirty years ago in the time of his predecessor.

existed in or adjoining the churchyard in which the church-ale was held. These festivities sometimes, perhaps commonly, took place on Sunday."<sup>1</sup>

In 1668 the two churchwardens, two sidesmen, and three overseers of the poor of Sampford Courtenay in Devonshire leased to a tailor five under rooms, "now severed and inclosed," in the south end of the parish house, or church-house there, at a yearly rent of 16*d*. The lease states that the parishioners held this building



FIG. 36.—Church-house at South Tawton.

and the land adjoining it by copy of court roll. There is a clause in the lease by which, on giving convenient notice to the lessee, they could resume possession of the five rooms during such time as they kept their church-ale, "so as the same continue not above the space of six weeks at any one time." This church-house still exists, and, like that at South Tawton in the same county, has upper rooms approached by outside steps.

A view of the thatched church-house at South Tawton is here given (Fig. 36). The churchwardens' accounts of

<sup>1</sup> *Archæologia*, xlv. p. 201.

this place during the latter half of the sixteenth century record payments for thatching the church-house; for carrying "shendall"—a silken stuff—into the higher church-house, meaning apparently the upper story; for a new table-cloth; and for paving the pentice. The large window in the east gable is of three cinquefoiled lights, with ogee tracery above, under a square head and label, and one of the small windows in the front has two lights similarly foiled. The entrance to the upper story, which consists of two rooms, is by means of an external perron only—a double flight of steps meeting in a broad landing, from which one doorway opens directly into the western room, whilst another doorway, contrived beside it, with the addition of a few steps, admits to the eastern room. The upper story has an open timber roof of ancient construction. Underneath the landing-stone of the perron a pointed doorway gives entrance to the middle of three compartments into which the ground-floor is divided. In the far corner of the western room is a deep fire-place which may once have been wider, as the beam forming its "clavel" spans the whole width of the room. Again, in the far corner of this recess is the mouth of an oven, which forms an external projection at the north-west angle. In the sixteenth century the churchwardens' accounts contain entries of payments for straw for the church oven, for providing wood to burn in it, and for thatching it. It is not certain, however, that this is the church oven mentioned in the accounts. The church-house adjoins the lych-gate, and it is set back into the churchyard.<sup>1</sup>

"The church-house," says Mr. Toulmin Smith, "was let to tenants for such time as it was not wanted for immediate use by the parish," and he points to an entry in the accounts of Steeple Ashton which describes a woman as paying, in 1585, three shillings a year for the church-

<sup>1</sup> See an article on the Churchwardens' Accounts of South Tawton by Miss Lega-Weekes in the *Transactions of the Devonshire Association*, xli. pp. 365-6. The writer is indebted to Miss Lega-Weekes for the photograph from which the drawing has been made, and for a much more detailed account than that given in the *Devonshire Transactions*.



house, and to another entry in which a man is described as paying a shilling a year for that building. In 1522, and in several subsequent years, the church-house of Stratton, in Cornwall, was let to the Gypsies for 1s. 8d.<sup>1</sup>

The payment to the lord of a chief rent for the church-house occurs everywhere. At Tintinhull in 1503 a chief rent of a shilling was paid to the lord's bailiff for the bakehouse and brewhouse respectively. At Yatton, in 1511, a chief rent of 4s. for the church-house was paid to the reeve,<sup>2</sup> or lord's steward, just as, in the fourteenth century, such a rent was paid by tenants of manors belonging to the Bishop of Durham in respect of their common brewhouses. In 1517, and again in 1525, the churchwardens of Stratton, in Cornwall, paid a "hye rent" (chief rent) of threepence to the lords of Bynamy for the church-house. In 1581 the accounts of Steeple Ashton record that the church-house stood on land for which an annual rent of 2s. 5d. was paid to the king's reeve. As late as 1686 the churchwardens of Deerhurst paid 1s. 1d. to the lord as the chief rent of their church-house.<sup>3</sup> At Fordwich the church-house, so called in 1509, came to be known as the giveale-house, and for it a rent of 5d. was paid to the lord. The church-house at Fordwich was endowed with land, and was known in 1556 as "the Towne's howse commonly called the Geveale howse." It was rebuilt in that year.<sup>4</sup>

Many German villages had a public brewhouse. At Jülich, the French Juliers, about twenty miles from Aix-la-Chapelle, where the lord had a brewhouse, nobody could brew, or buy ale for the purpose of selling it again, except the tenant of the brewhouse, otherwise the person to whom the lord had granted it.<sup>5</sup> The German village had also a tavern (*tabern, tafern, täfer*) which belonged to the lord and

<sup>1</sup> *Archæologia*, xlv. p. 207.

<sup>2</sup> "Paide to R. Wylling the refe for churche howse, iiij s."—*Somersetshire Churchwardens' Accounts*, p. 132.

<sup>3</sup> Toulmin Smith, p. 454; Butterworth's *Deerhurst*, pp. 122-4.

<sup>4</sup> Woodruff's *Fordwich*, pp. 86, 150, 156.

<sup>5</sup> Jacob Grimm, *Weisthümer*, ii. p. 717; Moritz Heyne, *Das deutsche Wohnungswesen*, 1899, p. 195.



was leased or let out by him, the grant in one case being made by the steward or bailiff (*meir*).<sup>1</sup> Possibly the tavern and the brewhouse were identical.

We may now turn to evidence which shows that the church-ale was identical with the lord's scot-ale of earlier times. We have seen that in 1474 the tap-house, or church-house, of St. Edmund's, Salisbury, was known as the scot-ale house. It appears from an inquisition, dated 1181, of the manor of Chingford, Essex, that the reeve held a scot-ale which the tenants were accustomed to attend,<sup>2</sup> and the church-ale of the churchwardens has been regarded as analogous to the scot-ale of the manor.<sup>3</sup> A scot-ale, as its name imports, was a "contribution ale"; it was a feast at which ale was drunk and money was paid, the amount paid being in excess of the value of the ale. In the Glastonbury Custumals of the thirteenth century we are told that such or such a man "shall drink the lord's scot-ale"; which was equivalent to saying that he shall come to the lord's scot-ale and make a fixed contribution. When it is said that a man "shall have in the lord's pasture two cows and a calf and a horse, but shall drink the scot-ale fully,"<sup>4</sup> we see that the right of pasturage depends on making a contribution at the scot-ale. And so when it is said that a man "shall drink half a scot-ale,"<sup>5</sup> the meaning is not that he was bound to drink half the usual quantity, but only to pay half the usual "shot." In a manor of the Abbess of Shaftesbury every tenant, except the freeholders, contributed 3½*d.* at the scot-ale, and a widow 2*d.* At another place a man was said to owe (*debere*) 3½*d.* at the scot-ale.<sup>6</sup>

In the Custumals of two of the Glastonbury manors there are full accounts of this obligation. At Damerham we are told that the tenant "shall drink two scot-ales, namely, one before the Feast of St. Michael (May 8 and Sept. 29) for two days, along with his wife, and shall give 3*d.*

<sup>1</sup> *Weisthümer*, i. pp. 82, 84, 114, 150, 198; v. p. 55; i. p. 223.

<sup>2</sup> *Domesday of St. Paul's*, p. 144.

<sup>3</sup> *Glastonbury Rentalia et Custumaria* (Somerset Record Society), p. 260.

<sup>4</sup> *Op. cit.*, p. 110.

<sup>5</sup> *Op. cit.*, p. 113.

<sup>6</sup> *Domesday of St. Paul's*, p. cix.

And if he have a man-servant or maid-servant and 'undersetles' (under tenants), each of them shall give a halfpenny, and drink for one day. He shall also drink two scot-ales after the Feast of St. Michael, and at one of them shall give for himself and his wife  $2\frac{1}{2}d.$ , and at another  $2d.$  And if his man-servant or maid-servant or 'undersetles' come, they shall each give a halfpenny a day. And if a stranger come he shall give a halfpenny."<sup>1</sup> The following account is given of the scot-ales of another manor: "All the men of Longbridge and Monkton say that the lord can make three scot-ales a year at Longbridge, and that all the married men and youths can come on Saturday after dinner and drink as at Cunninhale, and they shall be served three times with drink. On Sunday the husbands and wives shall come, with their pennies, and likewise on Monday. But youths shall come on Sunday with a halfpenny, and they may come on Monday and drink freely without payment, provided they be not found sitting on the bench. If they shall be found there they shall pay like the rest. These customs pertain to the natives of the manor and their offspring, but a stranger, or a servant of another in the manor, or a sojourner, shall have no share therein."<sup>2</sup>

Mr. Elton said that the smallness of these contributions shows that there must have been a considerable deficit for the lord of the manor to meet.<sup>3</sup> But would a man and his wife have spent threepence in ale at two of these drinkings? At Winchester in 1260 a sheep was worth fourpence and about the same time hens were sold for a penny or two-pence each. The editor of the Glastonbury Inquisition of 1189 remarks that when tenants were bound to pay two-pence, threepence, and fourpence at the scot-ale these were not insignificant sums when three shillings was the value of a Somersetshire cow and calf. Not only was there not a deficit for the lord to meet, but, on the contrary, some of the judges regarded these payments as extortions.

<sup>1</sup> *Rentalia et Custumaria*, p. 108. The scot-ale, as a manorial due, also appears in an *Inquisition of the Manors of Glastonbury Abbey* dated 1189 (Roxburghe Club), *passim*.

<sup>2</sup> *Op. cit.*, p. 143.

<sup>3</sup> *Op. cit.*, p. 244.

Among the inquiries made before the justices itinerant at Lichfield in A.D. 1254 was one "concerning little bailiffs who make ales which are sometimes called Scotales and sometimes Fulstales (help ales) to extort money from the suitors of the hundred and their dependents; and concerning others who do not make ale for those who gather the sheaves in autumn, and who divide poor men's corn unjustly."<sup>1</sup>

Accordingly we are justified in inferring that the reeve, the "little bailiff," or whoever it was that conducted the scot-ale, made a profit out of the business, just as churchwardens made a profit out of the church-ale. To what objects the profit was applied we are not told.

In many old churchwardens' accounts, including those of Somersetshire, mention occurs of contributions made at the church-ales of neighbouring villages, and these remind us of the stranger coming to the scot-ale of Damerham.

There is a remarkable similarity between the scot-ales of the Glastonbury manors and the church-ales of a village in Derbyshire and its hamlets. It seems that the inhabitants of the parish of Elvaston and of Ockbrook, formerly a chapel in that parish, were required by mutual agreement to brew four ales. Every inhabitant of Ockbrook had to attend these several ales, and every husband and his wife had to pay twopence, and every cottager a penny. The profits of the ales were to be applied "to the use and behoof of the church of Elvaston." The inhabitants of Elvaston, Thurlston, and Ambaston (two hamlets of Elvaston) had also to brew eight ales, at which the inhabitants had to be present and pay as before. If a man was absent from one ale he had to pay double next time, or else send the money.<sup>2</sup> Thus it appears that the church-ale, like the scot-ale, was a feast at which money was paid.

<sup>1</sup> "De parvis ballivis qui faciunt cervisias quas quandoque vocant Scotalas, quandoque Fulstales, ut extorqueant pecuniam a sequentibus hundredum et eorum subditis; et de aliis qui cervisiam non faciunt garbas in autumnis colligentibus, et bladum pauperum indebite distrahentibus."—*Annales de Burton*, p. 332.

<sup>2</sup> Glover's *Derbyshire*, i. p. 309; Cox's *Churches of Derbyshire*, iv. p. 206. The authority is Dodsworth's MSS. in the Bodleian, vol. 148, p. 97, but the document as printed by Glover has been badly copied, and no date is given.



The earliest instance of the word "church-ale" which the *Oxford English Dictionary* can give is of the year 1419. The fact that it is not found earlier affords a presumption that the word took the place of the older "scot-ale."

Modern landlords know that rent dinners, where the tenants all meet together, and where alcoholic drinks are supplied, are an effectual means of inducing payment. At such dinners the absence of a tenant is observed by his neighbours, so that, in addition to the pleasures of the table, and of social intercourse, there is another reason for being present, namely, the feeling of shame caused by inability to pay. The same motives must have been at work in the scot-ales of the thirteenth century. But in modern life the nearest analogies are the charity dinner and the bazaar at which people are willing to spend money in exchange for a certain amount of pleasure, and in doing so pay more for a thing than it is worth.

The mediæval lord who paid a portion of the wages of his servants in loaves, or compelled them to purchase bread at his bakehouse only, has some resemblance to the modern employer of labour who, before the Truck Acts at least, paid his workmen in goods from his own stores instead of money. In mediæval times when a settlement had been made in a district, hitherto uncultivated somebody must have found the capital necessary for erecting mills, bakehouses, or brewhouses. If the lord found the capital himself he would have expected his tenants so to make use of these institutions that they would be remunerative. Hence the tenants of the manor would have been expected to grind their corn at his mill, and to bake and brew at his bake- or brewhouse, or be fined if they did not, and the documents show that so long as the lord provided sufficient bread and ale nobody could sell against him. Moreover, the tenants would have incurred the same obligation if an association of persons had erected these buildings, or if the community itself had acquired the lord's rights. When the community acquired the bakehouse, or the brewhouse, they received the profits, and devoted them to public uses.

It is known that the word "lord," which is absent



from the other Teutonic languages, means "bread-keeper." In the primary sense, says Dr. Henry Bradley, "it denotes the head of a household in his relation to the servants and dependents who 'eat his bread,'" and he compares the Old English *hlāf-æta*, servant, which literally means "bread-eater." These are not mere figurative expressions; the lord did in fact at an early time supply his servants with bread. On the one hand the tenants paid their rent to the lord in various kinds of corn, and the lord, on the other hand, paid his servants in baked loaves. The following passage occurs in the legendary Dialogue of Salomon and Saturnus written in Old English about the tenth century: "In twelve months thou shalt give thy slave-men seven hundred and twenty loaves, besides morning meals and noon meals."<sup>1</sup> When tenants began to bake their own loaves, the lord, or the community which acquired the lord's rights, still retained a monopoly in the *sale* of bread. The same monopoly was retained in the sale of ale.

<sup>1</sup> *Salomon and Saturnus*, ed. J. M. Kemble, pp. 192-3.

## CHAPTER XV

### CHURCHWARDENS AS TRADERS

NOT only did village communities engage in the trades of baking and brewing, but they also traded in cattle and sheep, and even in bees. There is nothing to surprise us in the fact that churchwardens should receive, as they did, legacies and gifts of cattle, sheep, jewels, horses, and many valuable things, and, after selling them, treat the proceeds of sale as stock or funds in their hands. But it is strange to find them buying oxen for the church store, as they did at Tintinhull in 1437,<sup>1</sup> lending oxen at a rent in the previous year, buying a cow and her calf in 1438, or paying for wintering and summering the church cow in 1477. At Pilton in 1511 there were special wardens of the church cows, and a list is given of nine persons who hired a cow each, together with the names of the pledges or sureties of those persons.<sup>2</sup> The cows were lent at a shilling a year each, so that, assuming the average value of a cow to have been 10s., the interest was 10 per cent. These profits were accounted for in the churchwardens' books. The borrower of a cow hoped to recoup himself by the calf which he expected to be born, and by the milk. This appears from the fact that at Tintinhull in 1447 no rent was received from the church cow, because, as we are told, she was barren that year. The churchwardens were thus in the position of bankers or money-lenders. They came to lend money in the end, but at first they lent cattle, sheep, and bees.

Between 1460 and 1485 the church of Cowfold, in Sussex—a significant name—had a stock of cows which

<sup>1</sup> "Pro duobus bobus emptis pro stauro ecclesie hoc anno, j pro xs. et alio (*sic*) pro ixs. xd."—*Churchwardens' Accounts*, 178.

<sup>2</sup> "Pro uno bove tradito Johanne Helyer, ijs. vjd."—*Op. cit.*, p. 177.

were let out on hire by the wardens. Thus in 1460 a man had a "stok," meaning a single cow, of the value of 6s. 8d., for which he paid 1s. a year, or at the rate of 15 per cent. Another man in 1473 had four cows on hire which had been bequeathed to the church. The value of these was 26s. 8d., and there is a note of the receipt of 12s. 6d. from the hirer. Occasionally we hear of a cow or two which had been left to maintain lights at tombs or at altars, but that was not so generally. In 1473 there is a memorandum in the wardens' books that a man living in the parish of Ashington had received a "stok" of the parish of Cowfold, from which it appears that cows were sometimes lent outside the parish. In 1485 there is a memorandum that a draper had borrowed a milch cow on the 6th of June, on the understanding that she was to be in milk at Michaelmas, or after. For this he agreed to pay a penny a week.<sup>1</sup> No doubt the hirer expected to recoup himself, as at Tintinhull, by the calf to be born, as well as by the milk.

At Horsley, in Surrey, a "book of stocks" was kept by the churchwardens in 1533, in which the amount of money in their hands was set down, and from which it appears that they had let out seven cows on hire, one each to five persons, and two to another person. In a Visitation of Essex, of the time of Henry V, the cows of a parish are entered as let out to farm.<sup>2</sup> In 1546 the church of Wandsworth, Surrey, had a stock of cows which were lent to various men. The churchwardens of that place were also accustomed to advance 15s. to a man to enable him to buy a cow, when he and a surety entered into a covenant, the particulars of which are not given. When cows were hired the rent of each was 2s. 4d. a year, payable half-yearly on Christmas Day and Ascension Day, when she was to be inspected, and continued on hire at the discretion of the churchwardens. In one instance a man's executors were charged 2s. 8d. for the half-year's rent of two cows. The churchwardens also lent money, for, in the same year, the names of two men and two women are

<sup>1</sup> *Sussex Archaeological Collections*, ii. pp. 316-323.

<sup>2</sup> *Surrey Archaeological Collections*, viii. p. 245.

entered as owing to the church various sums from 32*s.* 8*d.* to 2*s.* 8*d.*, and the transition from cattle-lending to money-lending is what we should expect. In 1548-9 it was agreed by the whole parish and the churchwardens that all persons who had any of the church cows on hire should pay no more yearly than 2*s.* for each, and that in default of payment each man should forfeit his cow as well as remain liable for the rent.<sup>1</sup> In 1667, and later, many sums of £1 each, or more, were lent by the Sixteen Men of Holme Cultram, in Cumberland, who held their meetings in church.<sup>2</sup> The interest charged was 1*s.* 2*d.* in the £1 per annum.

At the beginning of the sixteenth century the churchwardens of St. Michael's, Bath, kept a flock of sheep, which they let at a rent when they could, and, when they could not, they paid a man for watching them. In 1371 and many subsequent years there is mention in their accounts of the sale and hiring of brass jars. These were hired for a year or less at 8*d.* per annum, and were used for dyeing. When the jars were sold they fetched from 4*s.* to 6*s.* 6*d.* each. Lime was also bought and sold. The churchwardens sold wool, grass, wood, apples, nettles, and numerous other things; they seem to have been ready to trade in anything. They had a piece of land called the Elmhay, on which they planted elms, using the wood from time to time in the repair of houses belonging to the church, or selling it. In 1405 a book was hired from them, the borrower paying 2*d.*<sup>3</sup> They held articles in pledge, like pawnbrokers, as security for money lent. On one occasion these included a loom, a gown, and certain brass and pewter. In 1512 a man hired from them a pair of fuller's shears which had been given to the church, the hirer paying two shillings for the use of them. In doing all these things they were carrying on trade for a profit, and they frankly speak of it as such.<sup>4</sup>

<sup>1</sup> *Op. cit.*, pp. 83-4, 94.

<sup>2</sup> *Transactions of the Cumberland, &c. Antiquarian Society*, iii. (N.S.), p. 189.

<sup>3</sup> "Item pro redditu unius libri ij*d.*."—*Churchwardens' Accounts of St. Michael's, Bath*, p. 19.

<sup>4</sup> *Op. cit.*, *passim*.



At St. Columb, Cornwall, which was governed by Twelve Men, there were many persons who, in the sixteenth century, hired sheep from the parish at 9d. a head. Cows were also hired from the parish at the rent of half their increase. If any of the cattle died, their flesh and skin were sold, and the money accounted for in the parish book. The parish bought and sold cattle. The churchwardens on two occasions sold butter and cheese, and accounted for the money. On one occasion we even find the Twelve Men selling a quarter of mutton. One day they sold a coffer, a petticoat, and a cap, these being probably pawned goods which had not been redeemed. They regularly received goods, such as brass pots, in pawn, and sold them on failure to repay the loan. They constantly lent money out of the parish stock, and received it back with interest; in 1590 the rate was 5 per cent. They kept a number of parish ladders, for the profits of which they accounted. They levied a rate for gunpowder in the various quarters of the parish, and occasionally sold it. On behalf of the parish they continually sold coppice, or small wood and trees grown for the purpose of periodical cutting. All accounts were taken before the Twelve Men in the church.<sup>1</sup>

In one part of France the church has lent money to fishermen down to 1887, if not to this day. On the coast of Morbihan, a maritime department of France formed out of ancient Brittany, "the little isles of Hoëdic and Houat were, but a few years ago, tilled communally and managed by the *curé*, helped by twelve old men, chosen from among the most esteemed. The most necessary implements or tools were bought at a shop kept by the *curé*, the profit going to the church revenues. In return, in times of distress, especially in bad winter weather, when no one could go fishing, the church used to lend on word of honour, and without interest, small sums to any who asked them. But the loan was strictly required to be repaid after the next fishing expedition, even though it had

<sup>1</sup> *St. Columb Green Book* (in *Journal of the Royal Institute of Cornwall*, vol. xix.), ed. Thurstan Peter, 1912.

to be renewed immediately. Whoever did not pay back lost all credit for ever.”<sup>1</sup> In England one never reads of an action being brought against the borrower.

As the churchwardens' accounts show, there were treasuries in the village churches of Somersetshire in the fifteenth century. That these were not mere repositories of ecclesiastical ornaments or jewels seems proved by the fact that in 1294 an inquiry was made by the royal officers concerning the money and treasures deposited in monasteries, cathedral churches, and other smaller churches throughout the whole of England.<sup>2</sup>

Most English churches indeed had a treasury in which money, jewels, and other valuable goods were kept. In the fifteenth century the treasury (*domus thesauri*) at the church of St. Edmund, Salisbury, was an upper chamber, strewn with rushes, and containing four windows.<sup>3</sup> There was also a storehouse in which timber and other things were kept. From time to time the churchwardens sold many of these goods, which included corals, gold rings, broken silver, amber beads, slates, boards, stones, brass pots, and lead. One of the brass pots weighed twenty pounds. Besides this there was a plummery in which lead pipes were cast.<sup>4</sup> There was a plum-house near the church of St. Michael, Coventry, in 1480; it seems to have adjoined one of the gates of the churchyard.<sup>5</sup> The brass pots, and many other things in the treasury, were bequests or legacies to the church. Over the north porch of Hawkhurst church, in Kent, is a chamber which was formerly called the Treasury.

Sometimes we hear of bequests of money to churchwardens for investment in the purchase of cows, to be let out for the use of the poor. Thus in 1601 a man gave £10 to the churchwardens of St. James, South Elmham, to buy five milch cows which were to be let out to the use of the

<sup>1</sup> Letourneau's *Property* (English trans.), 1892, p. 291, referring to De Cherville (*Le Temps*, 14th Oct. 1887).

<sup>2</sup> *Annales de Dunstaplia*, p. 390.

<sup>3</sup> *Churchwardens' Accounts of S. Edmund, Sarum*, pp. 11, 16, 17, 18, 20, 32, 40.

<sup>4</sup> *Op. cit.*, pp. 48, 51, 53, 57, 65, 109, 110, xxx.

<sup>5</sup> *Coventry Leet Book*, p. 446.

poor of that parish for ever.<sup>1</sup> Unless interest was paid by the borrowers of this stock, it would have been impossible for the churchwardens to renew it from time to time.

In 1447 the churchwardens of Tintinhull sold a bull to divers parishioners, and paid threepence to the local butcher for cutting the animal up. They do not, however, seem to have kept the parish bull, that being a duty which in most places fell on the rector. But they received gifts of bulls, and occasionally lent as well as sold them. In 1509 the churchwardens of Fordwich, near Canterbury, sold a cow for 3s. 4d. In 1523 the churchwardens of Croscombe, Somersetshire, received a gift from a man and his wife of six ewe sheep, which they thereupon leased for seven years for the yearly sum of two shillings, payable on Count Day. If any sheep died or disappeared the lessee was to pay sixteen pence for it.<sup>2</sup> If this was the value of a sheep the interest payable was exactly 25 per cent.

In some manors each tenant maintained one or more sheep of a public flock in proportion to the extent or value of his holding, and the profits of the flock were devoted to public uses. At Pitlington, near Durham, it was ordered by common consent in 1379 that every man must keep the sheep (*bidentes*) when his turn came.<sup>3</sup> In 1584 the Twelve Men of this place declared that for every £4 rent accruing within the parish a sheep should be pastured summer and winter. In this parish the funds required for parochial purposes did not accrue, as in later times, from rates, but from the profits of a flock of sheep, called the parish sheep, or church sheep, which were pastured freely on the several farms in the parish. This system continued for forty subsequent years, during which the churchwardens' accounts show the sums received in each year for sheep, lambs, and wool, and the disbursements for new purchases. In 1624 the church flock, being then in a decayed state, was sold. Thenceforth the old plan was given up, and the

<sup>1</sup> Suckling's *Suffolk*, i. p. 220.

<sup>2</sup> *Churchwardens' Accounts*, *ut supra*, p. 37.

<sup>3</sup> "Ordinatum est ex communi assensu quod quilibet tenens custodiat bidentes cum turnus suus advenierit, viz. pro v per unum diem."—*Durham Halmote Rolls*, p. 161. The meaning of the last five words is not clear.



parishioners began to be rated as in modern times.<sup>1</sup> Here the Twelve Men of 1584 are clearly the official descendants of the men of 1379 who in the *Halmote Rolls* are described as jurors. And the church sheep of 1584 appear to be the successors of the sheep kept by the tenants of the manor in turn in 1379.

Early in the seventeenth century it was the custom of poor persons at Hartland, in Devonshire, to leave a sheep to the church by will.<sup>2</sup>

The church also traded in bees and honey. In 1435 the churchwardens of Tintinhull bought a beehive, and they bought another in 1458. Between 1431 and 1440 the churchwardens of Bishop's Stortford had two hives of bees from which they sold jars of honey. In 1447 the churchwardens of St. Edmund's, Salisbury, received 10s. for three hives of bees sold by them. On one occasion we find the churchwardens of Morebath, Somersetshire, lending a swarm of bees. In 1529 a swarm had been given to the store of Jesu and the store of St. Sidwell in that church to maintain lights, and the churchwardens let these bees out "to half money," that is, the hirer was to pay half the profits by way of interest, and keep the rest for himself. In 1534 the churchwardens of Fordwich received 3s. 4½d. for two gallons and a pint of honey made by the church bees.<sup>3</sup> Possibly honey was used in brewing the church ale, for the ancient Gauls and Germans mixed honey with the wort.

In 1441 the lord and tenants of Tintinhull agreed that certain crops in the Marsh should be sold for the maintenance of the church, and from this source the churchwardens received 10s. These crops are referred to subsequently, and from one entry we learn that they were "levery's"—the plant yellow-flag (*Iris pseudacorus*). In 1456 the churchwardens sold "clogill" in the Marsh for 10s.

<sup>1</sup> *Durham Parish Books* (Surtees Soc., No. 84), pp. 4, 15.

<sup>2</sup> *Historical MSS. Commission*, v., App. p. 573.

<sup>3</sup> *Somersetshire Churchwardens' Accounts*; Glasscock's *Records of St. Michael's, Bishop's Stortford*, p. 4; *Churchwardens' Accounts of S. Edmund, Salisbury*, p. 364; Woodruff's *History of Fordwich*, 1895, p. 152.



We hear little of churchwardens engaging in agriculture on behalf of the community. But in 1444 there are details in the Tintinhull accounts of the harvesting of the parish corn and beans on the Moor allotments. In 1510 these pieces of land were known as "leggs," and the editor of the accounts says that "allotments shapen like a leg and foot, *i.e.* one strip at right angles to the other, are still called 'leggs.'" In 1518 three "leggs" in the Moor were allotted to the bakehouse, and three to the brewhouse.

The village communities of Durham or Somersetshire who carried on the common brewhouse may remind the reader of the Gothenburg Licensing System, originated in 1865, by which wine and spirit shops are kept by a company licensed by the town authorities, and by which the profits, after deducting 5 per cent. on the capital, go into the town treasury. Although in the fifteenth century there were special brewings for definite ecclesiastical objects, as when in 1499 there were drinkings at Bishop's Stortford on behalf of a new sepulchre, it must be kept in mind that the church brewhouse was the common brewhouse, and that its profits went into the village treasury, to be used for any public object.

In lending cattle, sheep, or money to its members the community itself was acting as a credit bank, like an Agricultural Credit Society in Denmark. In an early stage of society cattle represent money, and in Domesday Book *pecunia* means cattle. Instead of lending money the community lent oxen to a man to plough his land, a cow or two, or a few sheep that he might begin life as a shepherd. The object of such loans was probably as much to provide a little capital to those who had none, as to produce revenue. At a late time the aid of the charitable seems to have been invoked. Within living memory a collection, known as a boon, has been made in Hope church, Derbyshire, to enable a poor man to buy a cow.<sup>1</sup>

Aubrey, who has preserved so many valuable traditions, has recorded one which throws a welcome light on our

<sup>1</sup> Dr. W. S. Porter's *Notes from a Peakland Parish*, p. 11.

subject. Writing about Frensham, in Surrey, he says : " In the vestry here, on the north side of the chancel, is an extraordinary great kettle, or caldron, which the inhabitants say, by tradition, was brought hither by the fairies, time out of mind, from Borough-hill, about a mile from hence. To this place, if any one went to borrow a yoke of oxen, money, &c., he might have it for a year, or longer, so he kept his word to return it. There is a cave, where some have fancied to hear musick. On this Borough-hill (in the tything of Cherte, in the parish of Frensham) is a great stone lying along, of the length of about six feet ; they went to this stone and knocked at it, and declared what they would borrow, and when they would repay, and a voice would answer, when they should come, and that they would find what they desired to borrow at that stone. This caldron, with the trivet, was borrowed here after the manner aforesaid, but not returned according to promise ; and though the caldron was afterwards carried to the stone it could not be received, and ever since that time no borrowing there. . . . I do believe that this great kettle was an ancient utensil belonging to their church-house."<sup>1</sup> The "great kettle" is still to be seen in Frensham church. This tradition about Borough-hill possibly sprang from a popular belief that "borough," a fortified place, was connected with "borrow," a pledge, or surety. We have seen, however, that the word *burh* (borough) could be applied to a great man's house.

From whom were the oxen borrowed ? Aubrey's tradition does not tell us. But the old Irish laws say that it was the chief who lent, or "gave," cattle. There are, as Sir Henry Maine observed, few personages of greater interest in those laws than the Bo-aire, literally the "cow-nobleman." The Irish chiefs appear in the Brehon laws as perpetually "giving stock," and the tribesmen as receiving it. The more cattle a man received from the chief the greater his dependence on him. "The normal period of his tenancy was seven years, and at the end of it he became

<sup>1</sup> *Natural History and Antiquities of Surrey*, iii. p. 366. In the Lay of Hymf the ale-caldron is kept in the hall.—*Corpus Poeticum Boreale*, i. p. 224.

entitled to the cattle which had been in his possession. Meantime he had the advantage of employing them in tillage, and the chief on his part received the 'growth and increase and milk,' the first two words implying the young and the manure."<sup>1</sup>

In a volume of the Brehon laws which was unpublished when Sir Henry Maine wrote, the chief's-rent cow and the church-rent cow cannot be distinguished from each other. The section of these laws called the Heptads enumerates seven beasts which were privileged from distress. One of the seven is called the chief's-rent cow or church-rent cow, and is defined in the laws as "*a cow which pays rent to the chief or to the church.*"<sup>2</sup>

There is considerable resemblance between the Irish tenancies just described and the Metayer tenancies of France in which the landlord supplied the land and stock and the tenant only the labour and the skill. A lease of cattle was known in France as *cheptel*, pronounced *chetel*, and it is interesting to notice that this word, and also "cattle," "chattel," and "capital," are from the same root. Adam Smith recognised the great antiquity of the Metayer tenancy, which was widely spread over the Continent, of which one variety was in his day found in Scotland under the name of "steelbow."<sup>3</sup>

On coming of age the young Welsh tribesman received his cattle and implements from the tribe, not from his father.<sup>4</sup>

English lords, as well as Irish chiefs, "gave" stock to their tenants. An Anglo-Saxon Customal, which dates from the tenth century, says that "on the land where this custom holds it pertains to the farmer (*gebūr*) that he shall have given him for his outfit two oxen, one cow, and six sheep, and seven acres sown on his yardland."<sup>5</sup> At the

<sup>1</sup> Maine's *Early History of Institutions*, p. 159.

<sup>2</sup> *Ancient Laws of Ireland*, v. p. 263.

<sup>3</sup> Maine, *op. cit.*, p. 162. "Steelbow" is analogous to the *beste de fer* of the French and the *eisern vieh* of the Germans.

<sup>4</sup> Seebohm's *Tribal System in Wales*, p. 66.

<sup>5</sup> *Rectitudines Singularum Personarum* in Thorpe's *Laws and Institutes*, ii. p. 435.



Abbey of Kelso, in Scotland, before the year 1290, the custom was similar. Each "husband," or farmer, took with his land a *stuht*, or outfit, of two oxen, one horse, three chalders of oats, six bolls of barley, and three of wheat. "But when Abbot Richard commuted that service into money, then they returned their *stuht*, and paid each for his husband-land 18s. per annum."<sup>1</sup>

We need not wonder that survivals of the ancient practice of cattle-lending should have existed in English villages of the fourteenth and fifteenth centuries. The remarkable thing is that the villagers themselves, through their churchwardens, should have become cattle-lenders instead of the lord. The public institutions of the village, the bakehouse, the brewhouse, and, if we may venture to call it so, the local bank, were all at that time in the hands of the village council whose office was at the church.

We have seen that churchwardens were often appointed by the lord, or by the lord and community together, and that, in the fourteenth and fifteenth centuries, they lent cattle, as the lord himself did at an earlier time. Now churches possessed live stock. In ancient Ireland there were "calves of the church."<sup>2</sup> In the twelfth and thirteenth centuries the churches of Iceland possessed cows, oxen, sheep, farm implements, and rights of common. For instance, a church at Upsala at this period had six cows, and thirty-five ewes and wether sheep.<sup>3</sup> In a Life of St. Winefred, said to have been written by Eleutherius the monk in the year 660, an account is given of eight sacrilegious persons who stole the beasts of burden that were tethered to the wall of the church in the village where Winefred lived.<sup>4</sup>

<sup>1</sup> Seebohm, *Village Community*, p. 61.

<sup>2</sup> *Book of Lismore*, ed. Whitley Stokes, p. 206.

<sup>3</sup> *Origines Islandicæ*, i. pp. 624-639.

<sup>4</sup> "Qui accelerantes, etiam jumenta templi parieti alligata secum diripuerunt."—*Lives of the Cambro-British Saints*, ed. Rees, p. 204. It may mean that the beasts were fastened to the wall outside, but they may have been *inside* the church. We have seen that there were cows in the churches of Ireland.



## CHAPTER XVI

### MISCELLANEOUS USES OF THE CHURCH

LIKE the great hall of a Roman basilica, the naves of English cathedrals and churches were used as covered markets. They were also used as warehouses for merchandise, and places where banquets were held.

In Ely Cathedral "shops were, in some cases, permanent buildings, which were let to merchants for terms of years, and even for a lifetime, the rents being accounted for in the rolls of different officers of the convent. Entries of this kind exist in Sacrists' accounts of the thirteenth century, and in similar documents of later date, down to the reign of Henry VIII."<sup>1</sup> Dr. Konrad Lange has shown, in his plan of the basilica at Pompeii, the places where the shops and stalls of the merchants were probably erected.<sup>2</sup> Robert Grossteste, Bishop of Lincoln, who lived from 1175 to 1253, commanded "by Evangelical authority and special apostolic indulgence that markets be not held in sacred places, seeing that the Lord cast out them that bought and sold from the temple."<sup>3</sup> But little attention was paid to such injunctions, and markets continued to be held in churches as in times past. St. Paul's Cathedral was used as a market in 1554, for in that year an Act of Council declared that the material temples of God were not to be used as markets or other profane places or thoroughfares. The Act goes on to say that many of the inhabitants of London had carried vessels full of ale and beer, great baskets full of bread, fish, flesh, and fruit, fardels of stuff, and other gross wares and things through the cathedral, whilst others

<sup>1</sup> Stewart's *Architectural History of Ely Cathedral*, p. 191.

<sup>2</sup> *Haus und Halle*, p. 163.

<sup>3</sup> *Roberti Grosseteste Epistolæ*, ed. Luard, p. 161.

led mules, horses, and other beasts through the same.<sup>1</sup> But the fines imposed by this Act became a dead letter, and there was no interruption to the traffic even in service time. Everybody has heard of Paul's Walk, where horses were bought, where servants were hired, where lawyers met their clients, and young gallants their sweethearts. In the words of Bishop Corbet, it was

"The walke  
Where al our Brittainē sinners swear and talke."

Even when the new cathedral was built the old practices went on.<sup>2</sup>

In 1552 Hooper in his visitation of the diocese of Norwich directed the clergy and churchwardens not to permit buying, selling, gaming, tumult, or outrageous noises in the church, porch, or churchyard, during the time of common prayer, or reading of the homily. Notices of sale were proclaimed in church to the end of the eighteenth century, if not later. In 1796 the clergyman at Flookburgh, Lancashire, received one shilling for "giving notice in chapel of Shovelling sale." His custom was to read out notices of sale from the reading-desk.<sup>3</sup>

Markets and fairs were usually held in churchyards, though the practice was forbidden by the Statute of Winchester in 1285, and by the Synod of Exeter two years later. In the twelfth century markets were held in the churchyard of St. Botolph's at Boston.<sup>4</sup> In 1416 a common market for merchandise was held on Sundays and feast days in the churchyard of St. Michael-le-Belfry, York. In 1455 the mayor and bailiffs of Coventry ordered that nobody should thenceforth sell cloth in the porch of St. Michael's church. In 1512 wares were sold in St. John's churchyard, Chester. In 1519 pedlars sold wares in the church porch of Ricall, Yorkshire. In 1564 there was a common market held every Sunday at the church of Inch,

<sup>1</sup> Stow's *Survey of London*, 1633, p. 937.

<sup>2</sup> Tyack, *Lore and Legend of the English Church*, p. 119.

<sup>3</sup> *Op. cit.*, p. 118; Stockdale's *Annals of Cartmel*, p. 309.

<sup>4</sup> Thompson's *Boston*, 1820, p. 28.

near Aberdeen. In 1578 there were open standings and covered stalls in the churchyard of St. Mary Magdalen, Doncaster. Dodsworth, the Yorkshire antiquary, says that people came on a pilgrimage to an old chapel or church at Laughton, near Rotherham, on Midsummer Eve, at which time a fair was held. The market of Wigton, in Cumberland, "until the middle of the seventeenth century was held on Sundays in the churchyard. The butchers hung the carcasses of the animals on the church doors, and cut them up after divine service."<sup>1</sup>

A statute of Henry VI, passed in 1448, forbade the holding of fairs and markets on the feasts of Ascension, Corpus Christi, Whitsunday, Trinity Sunday, on Sundays, and on Good Friday. Four Sundays in the autumn were, however, excepted, and the statute did not apply to the sale of necessary victuals.<sup>2</sup> It appears from a charter of 1445 that the abbot and convent of Whitby had been accustomed, from time immemorial, to hold a market every Lord's Day throughout the year.<sup>3</sup> Fairs and markets in churchyards were continued to a late time. About 1810 the parish churchyard in Sheffield, which is opposite the Cutlers' Hall, presented the appearance of a fair on the day of the Cutlers' Feast, "being covered with stalls of fruits and sweetmeats, and with numerous throngs of the young and old, dressed in their best apparel."<sup>4</sup> In ancient Ireland fairs were always held in cemeteries.

Fairs were also held in the churches themselves. A charter made in the time of Bishop Robert, who occupied the see of Wells from 1135 to 1166, forbade the holding of fairs in the church and churchyard of that city. In a charter signed by Ivo, the Dean, and others, it was declared that in the experience of not a few, the uproar accustomed to be made in the church and churchyard were a disgrace and an inconvenience, distressing above all to the

<sup>1</sup> *York Fabric Rolls* (Surtees Soc.), 248, 271; *Coventry Leet Book* (E.E.T.S.), p. 281; *Burgh Records of Aberdeen* (Spalding Club), i. p. 357; *Doncaster Records*, iv. p. 82; *Hunter's South Yorkshire*, i. p. 288; *Murray's Handbook for Westmorland, &c.*, 1867, p. 80; *Morris's Chester*, p. 172.

<sup>2</sup> *Rastell's Statutes*, 1557, 151 b.

<sup>3</sup> *Young's History of Whitby*, p. 411.

<sup>4</sup> W. White, *History and Directory of Sheffield*, 1833, p. 53.



ministrants in the church, hindering their devotions, and disturbing the quietude of their prayers. In order therefore lest, contrary to the divine command, the house of prayer should be suffered to become a den of business, it was declared that whosoever assembled there at the three feasts, namely, the Invention of the Cross, the Feast of St. Calixtus, and the assembly (*celebritas*) of St. Andrew, were to do their business in the streets of the town, and in no wise violate the church or churchyard. Dean Plumptre, in referring to this document, says that "Robert had allowed the city to hold fairs in the church," but the charter says nothing about such a permission.<sup>1</sup>

The fairs held in churchyards brought a little money to the churchwardens. Sellers of cheese, butchers, tanners, and other craftsmen had stalls within and without the churchyard of St. Edmund, Salisbury. Thus in 1490 the churchwardens received 1s. 8d. from cheese-sellers who stood at the church wall. These payments are called "foreign receipts," as if the tradesmen had come from a distance. A similar fair, called St. Mary's fair, was held within the precincts of the cathedral.<sup>2</sup>

In the year 1300 Isabella de Fortibus, Countess of Albemarle, being summoned to prove by what right she held a market at Crosthwaite, near Keswick, denied that she held any market there, but that the men of the neighbourhood met at the church on festival days, and then sold flesh and fish, she herself as lady of the manor taking no toll. In 1306 the inhabitants of Cockermouth also represented in a petition to Parliament that there was a great concourse of people every Sunday at Crosthwaite church, when corn, flour, beans, peas, linen cloth, meat, fish, and other merchandise were bought and sold. These sales, it was alleged, were so very injurious to the market at Cockermouth that the farmers of the king's toll at that place were unable to pay their rent.<sup>3</sup> There was no

<sup>1</sup> *Report on the Manuscripts of Wells Cathedral* (Historical MSS. Commission, 1885, pp. 185, 186); *Contemporary Review*, Jan. 1888, p. 56.

<sup>2</sup> *Churchwardens' Accounts of S. Edmund, Sarum*, pp. xxiii, xxxii, 37.

<sup>3</sup> J. Broatch in the *Cumberland and Westmorland Herald*, 18th Feb. 1911.



question as to the propriety of holding a market in the church or churchyard.

A popular English book called *Dives and Pauper*, written probably in the fifteenth century, tells the same story. In an explanation of the Second Commandment we are told that "no markette sholde be holden by vytaylers or other chapmen on Sondag in the church or in the churchyarde or at the church gate ne in sentuary ne out." No objection is made to week-day markets. In another part of the same book we learn that chapmen and their families sometimes slept in the church or churchyard.<sup>1</sup>

In villages the cross in the churchyard was the market cross, just as in cities, like Gloucester or Leicester, the High Cross was the place where sales were proclaimed. At Ravenstonedale, Westmorland, announcements of sales and other matters were made in the churchyard from the stone on which the sun-dial stands. This was done on Sunday at the close of the sermon. "There," says the Rev. W. Nicholls, "James Haygarth within the recollection of the present generation, used to call the sales immediately after church service. This kind of advertisement was the only one accessible before newspapers became general. The notices were of the most miscellaneous character, from the legal document of the lord of the manor to the sale of a mangle. The notices also came from a radius of several miles round." On these occasions the precepts for summoning the court were read.<sup>2</sup>

Wool was stored in one of the churches of Southampton. In 1265 the Earl of Derby concealed himself among the bags of wool in Chesterfield church. In 1251 the men of the Prior and Convent of Lenton, who claimed certain tithes from the Dean and Chapter of Lichfield, broke the door of Tideswell church, Derbyshire, and seized a part of the wool in the church, savagely beating the *ministri* of the church, and shedding blood in the church and churchyard. In 1273 a number of thieves

<sup>1</sup> E. Cutts, *op. cit.*, pp. 249, 317.

<sup>2</sup> *History and Traditions of Ravenstonedale*, 1877, p. 79.

entered the church of Benthall, Shropshire, and stole therefrom certain goods belonging to Philip Benethale, namely, sixteen linen cloths, four carpets, two swords, four bows, a napkin, four women's nightgowns, four robes, four pairs of linen garments, two gold rings, a silk girdle, a coloured tunic, and other articles. This Philip seems to have kept a shop in church, like the shops in Ely Cathedral. In the same year a woman broke into Berrington church, in the same county, and took away cloth belonging to Richard of Bathone.<sup>1</sup>

Eating and drinking in church are often mentioned, and the practice goes back to an early time. An Anglo-Saxon poem says that no one may eat or drink thoughtlessly in God's house. Yet men kept watch there, drank madly, played shamefully, and defiled that house with idle speeches. It were better for them, says the poem, that they lay in their beds.<sup>2</sup> Watching and feasting also took place at the court or lord's hall in the thirteenth century. On one of the manors of St. Paul's "a customary tenant was bound with the other tenants of the same rank to provide that one of them should keep watch at the court from Christmas to Twelfth-day, and have a good fire in the hall, one white loaf, one cooked dish, and a gallon of ale; and if any damage were done, he that watched was to make it good, unless he had raised the hue and cry for the village to go in pursuit."<sup>3</sup> This practice was known in the twelfth century as *Yolwayting*,<sup>4</sup> *i.e.* Yule-watching, or Christmas-watching, each tenant watching one night in his turn. The same thing was done in churches, for, as late as 1750, people assembled at the kirk of Stenness, Orkney, on the first day of the New Year, bringing provisions with them for several days; as long as these lasted they feasted and danced in the church. Aubrey (1626-1697) also remarks that in English country churches at Christmas, after prayers, they danced and

<sup>1</sup> Rogers, *History of Agriculture*, i. p. 32; ii. p. 611; Cox, *Churches of Derbyshire*, i. p. 171; *Rot. Hundr.*, pp. 92, 111 b.

<sup>2</sup> Thorpe, ii. pp. 356-7.

<sup>3</sup> *Domesday of St. Paul's*, p. lxxiii.

<sup>4</sup> *Boldon Book* (Surtees Soc.), p. lxxii.

cried "Yole, Yole, Yole." Hunter, writing in 1819, says that there was a tradition among the inhabitants of Wadsley, near Sheffield, "that the ancient owners of the hall were accustomed to entertain twelve men and their horses every Christmas for twelve days."<sup>1</sup> There are men still living in the neighbourhood of Sheffield and Penistone who remember the time when it was believed that the weather of the twelve months of the year depended on that which prevailed during the first twelve days and nights. Accordingly farmers used to sit up at night and watch, the members of the family taking the duty in turn. On the last night they had a pound cake called Twelfth Cake.

At Exeter in 1358 public banqueting and drinking in the church, especially in the choir, were forbidden.<sup>2</sup>

In 1506 the churchwardens' accounts of St. Lawrence, Reading, give a curious picture of feasting in the church :

Item, payed to the same Macrell for makynge clene of the church agaynst the day of drynking in the said church . . . . .	iiijd.
Item, payed for flesh, spyce, and bakynge of pasteys agaynst the said drynking . . . . .	ijs. ix. ob.
Item, payed for ale at the same drynking . . . . .	xviij. s.

In 1544 Margaret Atkinson by her will ordered that the next Sunday after her burial there be provided two dozens of bread, a kilderkin of ale, two gammons of bacon, three shoulders of mutton, and two couples of rabbits, desiring all the parish, as well rich as poor, to take part thereof, and a table to be set in the midst of the church with everything necessary thereto.<sup>4</sup>

An injunction of Henry VIII directed that no Christian person should abuse the church by eating or drinking therein. One of the canons of the Church of England put

<sup>1</sup> Tudor's *Orkneys and Shetland*, p. 308; Aubrey's *Remaines of Gentilisme*, p. 5; Hunter's *Hallamshire*, 1819, p. 272.

<sup>2</sup> *Archæologia*, xviii. p. 412.

<sup>3</sup> Kerry's *Municipal Church of St. Lawrence, Reading*, p. 240.

<sup>4</sup> Strype's ed. of Stow's *Survey of London*, in Cox's *Churches of Derbyshire*, i. p. 468.



forth in 1571 especially enjoined the churchwardens to disallow the holding of feasts, drinking parties, banquets, and public entertainments within the walls of churches; and canon 88 of the year 1603 directed that churchwardens should suffer no plays, feasts, banquets, suppers, church-ales, drinkings, or other profane usage to be kept in church, chapel, or churchyard. Stubbes, in his *Anatomie of Abuses*, first published in 1583, says that at Christmas, Easter, or Whitsuntide, the churchwardens of every parish provide ten or twenty quarters of malt, which was made into strong ale or beer, and offered for sale either in the church or some other place. In 1490 a drinking was held in the church of Bishop's Stortford, a play having been acted on the day before.<sup>1</sup>

In 1637 the parishioners of Clungunford, Shropshire, petitioned Archbishop Laud, complaining that their parson declined to allow them an Easter feast. They said that the old and poor folk of their scattered parish had used, for many years, to be regaled with bread, cheese, and beer, after evensong on Easter Day, having first communicated at the celebration of the Eucharist. They further alleged that for some fifty years, in accordance with the wish of the Archbishop, the feast had been held in the parsonage, though previously it had been held in the church, but it was then discontinued altogether. Laud's reply was: "I shall not go about to break this custom, so it be done in the parsonage house, in a neighbourly and decent way, but I cannot approve of the continuance of it in the church." This practice of feasting in church was not confined to Clungunford. At Berrington, in the same county, a similar feast was held, a document dated 1639, and signed by the Bishop of Lichfield, attesting that it had been so accustomed time out of mind, and that the "feast was even yet performed in the church." In this case the Bishop of Lichfield, like Laud, encouraged the continuance of the usage, but forbade the feast to be held in church.<sup>2</sup> This was the church in which, as has just been seen, cloth was stored in 1273. Here the Easter feast is obviously identical

<sup>1</sup> Glasscock, *op. cit.*, p. 21.

<sup>2</sup> Tyack, *op. cit.*, p. 117.



with "the Lord's Supper within the church" held at Salisbury on the day before Good Friday in the fifteenth century (p. 300, *supra*).

It is strange that feasts should have been held in buildings made offensive by the odour of very numerous corpses lying just beneath the pavement, often under a mere covering of wood. Rosemary and bay, sweet woods, and juniper were bought from time to time for the church of St. Edmund, Salisbury, in which uncoffined bodies were buried. At St. Thomas's, in this city, these fumigants are described as "sweets to burn in the church." On the 9th of October 1564, frankincense was bought to burn at St. Edmund's when the "masters" elected the mayor. In 1619 the churchwardens of Bishop's Stortford paid two shillings for juniper to burn in the church that year. In subsequent years they bought pitch, frankincense, and other things to perfume the church. In the sixteenth and seventeenth centuries juniper, as well as frankincense, was used for fumigating the churches of Durham. Pitch, tar, and benzoin were also used. In 1644 the churchwardens of the municipal church of St. Lawrence, Reading, paid 6s. 6d. "for halfe a load of wood burned in the church by the souldiers" <sup>1</sup> Durandus, anticipating the germ theory of disease, gave the explanation that incense was burnt to expel demons from the church.

The governing bodies both of cities and villages regarded it as a part of their duty to provide amusement for the people, and hence we find frequent payments for the acting of plays in church. In 1474 the corporation of Rye paid the players of Romney for playing in the church. In 1552 a play was acted in one of the churches of Leicester. In 1575 the corporation of Doncaster paid Lord Leicester's men twenty shillings, and Lord Monteagle's men ten shillings, for playing in the church. In 1602 a shilling was paid by the churchwardens of Syston, near Leicester, to Lord Morden's players "because they should not play in

<sup>1</sup> *Churchwardens' Accounts of S. Edmund and S. Thomas, Sarum*, pp. xx, 2, 109; Glasscock, *op. cit.*, pp. 69-71; *Durham Parish Books* (Surtees Soc., No. 84), pp. xii, 247, 302; *Kerry's Municipal Church of St. Lawrence, Reading*, pp. 94-5.

the church." On the 9th of October 1601, the corporation of Aberdeen ordered the sum of thirty-three marks to be given to the King's servants for plays, comedies, and stage plays, they having played some of their comedies in the town.<sup>1</sup>

It has been said that the plays acted in churches were mysteries, or miracle plays, but the documents merely describe them as plays, without indicating their character. Miracle plays themselves differed only from other productions of the stage in representing characters taken from the Bible. They have been described as "fearful, if not blasphemous, caricatures of scenes and incidents related in Holy Writ." The language of the Towneley Mysteries, acted near Wakefield about 1450, is that of country clowns, and in some places is far more indelicate than anything that would now be permitted in a modern theatre. "In the mystery of the Creation, acted at Chester, the persons who represented Adam and Eve appeared in a state of perfect nakedness without giving offence to the spectators; and in the mystery of the Deluge a violent quarrel is represented between Noah and his wife; the wife says that if he be in such haste to sail, he may sail alone, and fetch a new wife."<sup>2</sup>

In the churches of Herefordshire theatrical plays (*ludi theatrales*), containing jests and bad language, were acted in the fourteenth century. In 1348 the bishop, who desired to root these practices out, formally prohibited them in the church of L., where they had been frequent, under the penalty of excommunication. The church is not mentioned by name,<sup>3</sup> but probably it was Leominster.

At St. Edmund's, Salisbury, plays were usually performed in summer in the choir. The mummers, who were musicians belonging to the corporation, generally formed the orchestra on these occasions.<sup>4</sup>

<sup>1</sup> *Historical MSS. Commission*, 5th Report, App. p. 494; Bateson's *Records of the Borough of Leicester*, iii. p. 70; *Doncaster Records*, iv. p. 54; North's *Chronicle of St. Martin's, Leicester*, p. 151; *Burgh Records of Aberdeen*, ii. p. 222.

<sup>2</sup> Thompson's *Priory of Swine*, 1824, p. 134.

<sup>3</sup> *Register of John de Trillek* (Canterbury and York Society), p. 141.

<sup>4</sup> *Churchwardens' Accounts of S. Edmund and S. Thomas, Sarum*, p. xvii.

Plays, wrestlings, and games took place in churchyards. In 1197 a quarrel, which ended in bloodshed, arose in the abbey churchyard at Bury St. Edmunds between the abbot's servants and the burgesses on the occasion of plays and wrestlings held there one day. The chief rioters were summoned to appear before the abbot and a jury of sixteen lawful men in the Chapel of St. Dionysius. Sentence of excommunication having been pronounced, more than a hundred men, naked save as to their nether garments, prostrated themselves before the door of the church, were soundly beaten, and absolved. After this the abbot prohibited public spectacles in the churchyard.<sup>1</sup> No doubt the quarrel was fomented by the hatred which the monks and townsmen had for each other.

On the 8th of May 1585, the Bishop of Winchester sent a circular letter to the ministers, constables, churchwardens, and others of the several parishes of his diocese against the impious maintenance of "Church-ales, May-games, Morrish daunces, and other vaine pastimes on the Saboth dayes."<sup>2</sup>

When Dodsworth visited Royston church, near Barnsley, in 1621, he saw in one of the windows a representation of a plough drawn by four oxen, one angel holding and another driving. There was an inscription in these words :

"God speede the plough,  
And send us corn enough."

In 1617 Francis Tresse was presented at a visitation of the Archdeacon of Canterbury for laying his plough harness in Monkton church. He appeared in court, and confessed that he had laid it on a wet day in the belfry.<sup>3</sup> At Houghton, in Leicestershire, the town plough was laid up in the south aisle of the church in 1633.

In 1748 the inhabitants of Holme Cultram used the church door as a target, discharging their muskets into it,

<sup>1</sup> *Cronica Jocelini de Brakelonda*, p. 68.

<sup>2</sup> *Seventh Report of Hist. MSS. Commission*, Appendix, p. 640.

<sup>3</sup> Hunter's *South Yorkshire*, ii. p. 382; *Visitations of the Archdeacon of Canterbury in Arch. Cant.*, xxv.



and the outside porch bears the marks of the bullets to this day. They also practised cock-fighting and "other games" in the churchyard. In 1766 the Churchwardens and Sixteen Men forbade "any proclamation to be made in the church or churchyard relating to any games, as hunting, hare-coursing, cock-fighting, wrestling, dancing schools, or other gaming."<sup>1</sup> About 1639 the churchwardens of Knotting were prosecuted for allowing cock-fighting in the chancel of their church.<sup>2</sup>

That dancing in church was a regular custom is shown by early attempts to put it down. Pope Eugenius II (824-7) prohibited such dancing and the singing of "disgraceful words." In 858 the Bishop of Orleans condemned the dancing of women in the presbytery on festivals. The councils of Bourges in 1286, and of Bayeux in 1300, condemned all dances in churches or churchyards. The lights of the church of Binham, in Norfolk, were maintained by a party of dancers. Gatherings were made, and money received for dancing by the churchwardens of St. Edmund's, Salisbury, at Whitsuntide, and at the May-pole dances. Occasionally the dances took place in the church, and in 1490 there is a charge "for cleaning the church at the daunce of powles"; a sum was also paid at another time for a piece of timber "for a ynner grounselle of Powlis Daunce." A "beden" or birch pole was used on these occasions. There were also children's dances and wives' dances about 1613, from all of which money "was gotten for the profit of the church."<sup>3</sup>

Of all the ceremonies associated with churches, and upheld by the governing bodies of towns, the most important was that of the King and Queen of May, otherwise the Summer-game. We have already seen that at St. Edmund's, Salisbury, the great source of the income of the churchwardens was the King-ale which was held during the three weeks of Whitsuntide, when the Summer-

<sup>1</sup> *Transactions of the Cumberland, &c., Antiquarian Society*, iii. (N.S.), pp. 205, 207.

<sup>2</sup> *Murray's Handbook for Bedfordshire*, 1895, p. 198.

<sup>3</sup> *Blomefield and Parkin's Norfolk*, ix. p. 312; *Swayne's Churchwardens' Accounts of S. Edmund and S. Thomas, Salisbury*, p. xvii.



game was performed. In 1240 the clergy were ordered by the Synod of Worcester not to take part in unseemly games, or to uphold the play of the King and Queen.<sup>1</sup> In 1469 a suit in the Ecclesiastical Court at York gives a very picturesque account of this "game." A witness, aged twenty-six, said that on a Sunday he went with Thomas Barker of Wistow and Margaret More, who happened to have been elected King and Queen of that village at their summer festival called the Summer-game, with some of his neighbours—a mimic actor or player with a gittern going before them—to the barn of one John Dodham, adjoining Wistow churchyard, where the play had been performed for many years past. In which barn, in the place commonly called the Summer House, the said Margaret More remained continuously from Sunday at noon till sunset listening to the play, and making herself agreeable, but with decency. One man said he was seneschal; another said he was butler; and two others said they were knights to wait on the Queen. A hundred persons were present. On the Sunday following Barker was married at Sherburne, and therefore could not take the part of King in the play.<sup>2</sup> It appears therefore that the play lasted for at least a week. In 1438 John Belvas, clerk, of Wistow, left five shillings to the Summer-light in the church there. In 1463 Richard Askham, of Kirk Deighton, left three bushels of barley to the light called the Summer-game light. In 1519 Anthony Middleton of York, merchant, gave two shillings to the Summer-game light in St. Michael's church. At Castleton, in Derbyshire, the May King, crowned with a huge garland of flowers gathered by the villagers from the country round, and the May Queen still perambulate the village on the twenty-ninth of May, and at the close of the day the garland is hung on the summit of the church tower. The church bell rings at two o'clock in the afternoon to call the ringers together to

<sup>1</sup> Brand's *Popular Antiquities*, 1849, i. p. 259.

<sup>2</sup> *Testamenta Ebor.* (Surtees Society), v. p. 103. There is much about the "Kynggam" (King Game) in the Churchwardens' Accounts of Kingston-upon-Thames. Here, as usual, Robin Hood and Little John were represented.—*Surrey Archaeological Collection*, viii. pp. 106 f.

make the garland, and until lately the Barmaster took part in the ceremony. The association of the churchwardens with the ceremony is shown by the fact that their accounts mention a payment in 1749 for an iron rod to hang the garland on. At Grossvargula, near Langensalza, as Dr. Frazer has shown, the crown was handed to the mayor. At Mottram, in Cheshire, a huge mass of rushes and a number of garlands were carried round the town at the Wakes. Finally the garlands were given to the churchwardens, who hung them from the roof of the church.<sup>1</sup>

In 1485 the churchwardens of St. Michael's, Bath, paid 2s. 5d. for renewing the church crown and adorning it with gold and various colours. In 1466 and in many subsequent years they received small sums of money for the loan of the King's Crown at Easter. In 1467 they lent the Crown of the King of Bath, as it was called, to the neighbouring village of Swainswick. In 1486 and subsequent years they lent it to the Autumn King.<sup>2</sup>

In 1562 the bellman of Aberdeen was accused before the town-council for passing through the town with his handbell, and calling on the whole community, or as many as could assemble, to pass to the wood to bring in Summer on the first Sunday in May.<sup>3</sup> In a sermon preached before Edward VI, Bishop Latimer has related how he went to a church to preach, and found the door locked. He was told that it was Robin Hood's day, and that the parish had gone abroad to gather for Robin Hood.<sup>4</sup> Now it is remarkable that whilst in Somersetshire old churchwardens' accounts seem to tell us nothing about the Summer-game, or the Summer-game light, they tell us much about Robin Hood, who was impersonated each year by one of the villagers, and whose gains in that capacity formed one of the chief sources of revenue of the church. Thus we are told that at Croscombe in 1483 Richard Willes was Robin Hood, and brought in twenty-three shillings for the past

<sup>1</sup> *Folklore*, xii. pp. 394-428; Earwaker's *East Cheshire*, ii. p. 137.

<sup>2</sup> *Churchwardens' Accounts of S. Michael's, Bath*, pp. 63-92.

<sup>3</sup> *Burgh Records of Aberdeen*, i. p. 343.

<sup>4</sup> Brand's *Popular Antiquities*, 1849, i. p. 258.

year. In 1506 the ceremony at Croscombe was called "the sporte of Robart Hode." The Morris dance was also connected with many parish churches. In 1559 the churchwardens of St. Helen's, Abingdon, paid a shilling for a dozen Morris bells. In 1612 the churchwardens of Great Marlow, Bucks, lent their Morris coats and bells to the churchwardens of another church, and similar borrowings are found everywhere. The Morris dancers at Castleton went round the village with the May King and Queen on the twenty-ninth of May. In Sir David Dalrymple's extracts from the Book of the Universal Kirk, in the year 1756, Robin Hood is styled King of May.<sup>1</sup> Either as King of May or Robin Hood, we meet with this impersonation of summer in every church which has preserved its old accounts, and the churchwardens, as agents of the community, are found paying for dresses and other things connected with the pretended bringing in of the fruits of the earth. It was a magical rite depending on the belief, common everywhere among the less civilised races of men, that grass could be made to grow, and the crops to spring up, by such a device as that of simulating summer in the form of a King dressed from head to foot in leaves and flowers, or covered with a ponderous garland. Since it was a matter of life and death that summer should come in, the ceremony was, in the eyes of the populace, of the highest consequence; and so it remained, in spite of canons and edicts, a lasting institution of the churches.

Among the various uses to which the church was put was that of a school for the young. It was usually kept in the parvise, or porch, though that must often have been too small for a considerable number of children. Blomefield says that in the year 1300 a public school for children to learn to read and sing was kept in the parvise of the church of St. Martin at the Plain, Norwich. In 1635 the chamber over the great south porch of St. Botolph's church, Boston, was occupied as a schoolroom "for the teaching

<sup>1</sup> *Churchwardens' Accounts of Croscombe, &c.* (Somerset Record Society), II, p. 28, *et passim*; *North's Chronicle of the Church of St. Martin, Leicester*, p. 152; Brand, *op. cit.*, i. p. 261.



of petty scholars.”<sup>1</sup> School was kept in a room over the church porch at Howden in Yorkshire. When an Oxford undergraduate has passed his Responsions, or Little-go, he receives a “testamur” certifying, according to ancient form, that he has answered the questions of the Masters of the Schools “in the parvise,” meaning apparently the porch of St. Mary’s church. The practice of teaching in the church porch seems to have come down from the Romans, whose elementary schools were usually held in a verandah partly open to the street, the schoolroom being known as *pergula*, *taberna*, or *porticus*.

But school was not confined to the porch. Reginald, a monk of Durham who lived in the twelfth century, tells us that at Norham, near Berwick, there was an ancient church in which, according to a custom sufficiently well known and recognised, boys applied themselves to study, impelled by the love of knowledge, and sometimes driven to it by the fear of an angry schoolmaster and his rod.<sup>2</sup> At Hexham church, below the east window of the choir, was an adjunct of no great height, of Decorated date, called the Old School. This building, which was subsequently named the Lady Chapel, was swept away in 1861.<sup>3</sup> The school of the monastery at Canterbury was held in the north porch of the cathedral. School was kept in the church of Cartmel, Lancashire, in 1624. In 1676 the governing body of this place, known as the Twenty-four, ordered that no scrivener should for the future teach any of their scholars to write in church.<sup>4</sup>

In the twelfth century Savaric, Bishop of Bath and Glastonbury, granted the church of Pilton to the Canons of Wells, at the same time declaring that on his anniversary a hundred poor people were to be fed in the church.<sup>5</sup> Pursuant to a charitable gift made in 1527, penny doles were given to the poor in the collegiate church of Man-

<sup>1</sup> Blomefield and Parkin’s *Norfolk*, iv. p. 366; Thompson’s *Boston*, 1820, p. 91.

<sup>2</sup> *Reginaldi Libellus de Beati Cuthberti Virtutibus* (Surtees Society), p. 151.

<sup>3</sup> *Archæologia Eliana* (N.S.), v. p. 156.

<sup>4</sup> Stockdale’s *Annals of Cartmel*, pp. 53, 109–10.

<sup>5</sup> Adam of Domesham, i. p. 236.



chester every Good Friday.<sup>1</sup> Survivals of the practice of giving a feast to the poor in church existed in the doles given there not long ago. There is a raised tomb in Tideswell church, Derbyshire, on which in 1783 bread was given away every Sunday. Forty years ago, when the present vicar of Penistone was appointed, he found the trustees of a charity dispensing cakes and ale in the nave of the parish church. In 1684 a Cheshire man provided by his will that an annuity of twenty shillings should be paid to each of six poor old men "upon the stone which is under the yew-tree in the churchyard of Stockport" twice a year.<sup>2</sup>

Only a brief reference need be made to the Acts of Parliament, made in the reign of Elizabeth,<sup>3</sup> which provided for the destruction not only of foxes and badgers but of rats, mice, hedgehogs, and many kinds of birds such as hawks, magpies, and bullfinches, which stripped the fruit-trees in the orchards. When killed they were nailed to the church door. The heads and eggs of these "pests of the farm" were to be brought before the churchwardens and paid for according to a fixed scale. In 1739 the Ash-over Vestry agreed to pay not more than five shillings for killing a fox within the parish.

The nailing of the heads of vermin to church doors leads us to mention another practice for which, it is feared, there is good evidence, namely, the flaying of certain criminals and affixing their skins to those doors. The Laws of Henry II provide that if a man killed his lord he was by no means to be redeemed, but scalped, or flayed. In 1789 Sir Harry Englefield laid before the Society of Antiquaries a plate of iron taken from the door of Hadstock church, Essex, with a portion of skin, considered to be human, found under the iron. A tradition concerning the skin on this door had been recorded by Morant in his *History of Essex* in 1768, with a statement that a similar tradition had been preserved at Copford in the same county. Traditions to the like effect have been found in

<sup>1</sup> Earwaker's *East Cheshire*, i. p. 247.

<sup>2</sup> *Op. cit.*, i. p. 378.

<sup>3</sup> See 8 Eliz. c. 15; 14 Eliz. c. 11; 39 Eliz. c. 18.

other parts of England. One of the doors of Worcester Cathedral was reputed by common belief to bear a coating of human skin. The question was submitted to Mr. John Quekett, the microscopist, of the Royal College of Surgeons, who found the skin, which had hair thereon, to be human. Afterwards a fragment of the skin taken from the door of Hadstock church was submitted to Mr. Quekett, and found by him to be human. An attempt was then made to get a portion of the skin from Copford church, and two pieces having been found in the neighbourhood, Mr. Quekett pronounced this specimen also to be human.

A short manuscript account of Copford, written between 1689 and 1714, gives the following description of the skin there: "The doors of this church are much adorned with flourished ironwork, underneath which is a sort of skin, taken notice of in the year 1690, when an old man of Colchester, hearing Copford mentioned, said that in his young time he heard his master say that he had read in an old history that the church was robbed by Danes, and their skins nailed to the doors; upon which some gentlemen, being curious, went thither, and found a sort of tanned skin, thicker than parchment, which is supposed to be human skin, nailed to the door of the said church, underneath the said ironwork, some of which skin is still to be seen." In 1661 Pepys records in his *Diary* that he went to Rochester "and there saw the cathedral . . . observing the great doors of the church, as they say, covered with the skins of the Danes."<sup>1</sup> Little attention need be paid to the popular belief that the skins were those of Danes. If they have been proved to be human, it is more likely that they were the skins of flayed criminals affixed to church doors as a warning to evil-doers.

The church door is associated with much that is repulsive. It was there, as we have seen, that infants were exposed to die, if not rescued by the charitable. Aubrey has recorded a tradition that a "holy mawle" hung behind

<sup>1</sup> Albert Way in *Journal of Archaeological Institute*, v. pp. 185-192; Thorpe's *Laws and Institutes*, i. p. 579.

the church door, which when his father was seventy, the son might fetch and knock him on the head as effete and of no more use.<sup>1</sup> That the aged in Western Europe were once destroyed as a burden to themselves and society is well known, but it is sad to find the memory of such horrors lingering, less than three centuries ago, about churches.

The oldest law of Norway, known as Gulathing law, has a revolting clause about parents who, having been redeemed from the thralldom of their master, could not keep their children. It is this:

En ef þau verða at þrotom, þá  
ero þat grafgangsmenn. Scal  
grava gröf í kirkiugarðe, oc setia  
þar í, oc láta þar deyja. Take  
skapdróttenn þat ór er lengst  
livir, oc fœðe þat síðan.

(63) If they come to extreme  
want, they are *grafgangsmenn*.  
A grave shall be dug in the  
churchyard, and they shall be  
put into it and left to die there.  
The master shall take out the  
one who lives the longest, and  
feed that one thereafter.

It is doubtful whether the parents or the children alone were put in the grave, but K. von Maurer thinks it was the children.<sup>2</sup>

One of the laws of King Alfred declares that under certain circumstances the lord might bring his "theow," or slave, to the door of the temple, and bore his ear through with an awl, in token that ever thereafter he should be a slave. Slaves were bought at the church door.<sup>3</sup>

In Scotland there was a kind of pillory called the *juggs*, or *jougs*, the criminal being fastened to a wall or post by an iron collar which surrounded his neck. In 1822 Dr. Samuel Hibbert found juggs affixed to the porch of a small church at Refirth in Shetland. When the collar was fastened to the neck of a criminal he became "the scorn and gaze of the parish, as they entered the kirk to hear

<sup>1</sup> *Remaines of Gentilisme and Judaisme*, p. 19.

<sup>2</sup> The passage in *Gulathingslög*, and the translation, have been taken from Mr. Seebohm's *Tribal Custom in Anglo-Saxon Law*, p. 265. Vigfusson (s.v. *grafgangsmæðr*) thinks it was the parents who were put into the grave.

<sup>3</sup> Thorpe, i. p. 47; Earle's *Land-Charters*, p. 273.

divine service." On a corner of the outside of Selkridge church was a thing called the *jogges*, fastened by an iron chain. It was intended for offenders, but especially women brawlers. Their heads were put through it, and an iron was put into their mouths. In this condition they remained until the bailiffs chose to dismiss them in service time.<sup>1</sup>

Fire-engines and buckets for water were frequently kept in churches, as for instance at Sheffield.<sup>2</sup>

<sup>1</sup> *Description of the Shetland Isles*, p. 419; *Account of a Journey into Scotland in 1629* (Hist. MSS. Commission, 13th Report, App. part vii. p. 76).

<sup>2</sup> J. R. Wigfull in *Handbook and Guide to Sheffield*, 1910, p. 66, where "fire" is misprinted as "first"; W. Johnson, *op. cit.*, p. 163.



## CHAPTER XVII

### WEIGHTS AND MEASURES

As late as the eighteenth century the chain for measuring certain acres at Puxton, Somersetshire, was derived from the length of the nave of the parish church. It is worth while to quote the following statement :

“The two large pieces of common land called Dolemoors, which lie in the parishes of Congresbury, Week St. Lawrence, and Puxton, were allotted in the following manner. On the Saturday preceding Midsummer Day (O.S.) the several proprietors (of the estates having any right in those moors) or their tenants, were summoned at a certain hour in the morning, by the ringing of one of the bells at Puxton, to repair to the church, in order to see the chain (kept for the purpose of laying out Dolemoors) measured. The proper length of such chain was ascertained by placing one end thereof at the foot of the arch, dividing the chancel from the body of the church, and extending it through the middle aisle, to the foot of the arch of the west door under the tower, at each of which places marks were cut in the stones for that purpose. The chain used for this purpose was only 18 yards in length, consequently four yards shorter than the regular land-measuring chain. After the chain had been properly measured, the parties repaired to the commons. Twenty-four apples were previously prepared, bearing the following marks, viz: Five marks called ‘Pole axes,’ four ditto ‘Crosses,’ two ditto ‘Dung-forks, or Dung-pikes,’ one mark called ‘Four Oxen and a Mare,’ one ditto ‘Two Pits,’ one ditto ‘Three Pits,’ one ditto ‘Four Pits,’ one ditto ‘Five Pits,’ one ditto ‘Seven Pits,’ one ‘Horn,’ one ‘Hare’s Tail,’ one ‘Duck’s Nest,’ one ‘Oven,’ one ‘Shell,’ one ‘*Evil*,’ and one ‘Hand-reel.’

"It is necessary to observe that each of these moors was divided into several portions called furlongs, which were marked out by strong oak posts, placed at regular distances from each other; which posts were constantly kept up. After the apples were properly prepared, they were put into a hat or bag, and certain persons fixed on for the purpose, began to measure with the chain before-mentioned, and proceeded till they had measured off one acre of ground; at the end of which, the boy who carried the hat or bag containing the marks took out one of the apples, and the mark which such apple bore, was immediately cut in the turf with a large knife kept for that purpose: this knife was somewhat in the shape of a scimeter with its edge reversed. In this manner they proceeded till the whole of the commons were laid out, and each proprietor knowing the mark and furlong which belonged to his estate, he took possession of his allotment or allotments accordingly, for the ensuing year. An adjournment then took place to the house of one of the overseers, where a certain number of acres reserved for the purpose of paying expenses, and called the 'out-let or out-drift,' were let by inch of candle." The custom ceased to exist in 1811, when the land was enclosed.<sup>1</sup> The writer of this account ought to have said that the doles were put up for hay, and fenced off from Candlemas to Midsummer Day. Balloting for such doles existed in Oxfordshire a century ago.

Other accounts say that the meeting for drawing lots was held in the church in the early morning. The extensive common known as Dolemoors was divided into twenty-four parts, and was managed by two officers, called Overseers of the Dolemoors, who served for one year, and then nominated their successors. Twenty-three of the parts were allotted, and the twenty-fourth was let for a sum of money, varying from one to three pounds, which was devoted to paying the expenses of the year.<sup>2</sup>

<sup>1</sup> Hone's *Every-day Book*, 1827, ii. pp. 918 f.; Prothero's *Pioneers and Progress of English Farming*, p. 6.

<sup>2</sup> Webb's *English Local Government: The Manor and the Borough*, part i. p. 131.

The chain of 54 feet used on these Dolemoors was the breadth of the short acre, just as 66 feet is the breadth of the statute acre, an acre being four perches in breadth and forty in length. Mr. James Morgan, in referring to this custom at Puxton, said that "in many counties there are vestiges, either in use or remembrance, of an acre smaller than the standard; it is usually called two-thirds or three-fourths of a statute acre." And he goes on to say that as 66 feet is the base of the statute acre, so 54 feet is the base of the short acre just mentioned, and this was the measure used on the Dolemoors.<sup>1</sup>

It was, however, the perch, not the chain of four perches, which formed the unit of agricultural measurement. The English village of the twelfth and thirteenth centuries had its lawful perch by which the acres of the township were measured.<sup>2</sup> Where was the standard kept? In German villages of the sixteenth century the length of the perch, or rood, was ascertained at the church door. "To find the length of the rood in the right and lawful way," says an old book on surveying, "you shall do as follows: Stand at the door of a church on a Sunday and bid sixteen men to stop, tall ones and small ones, as they happen to pass out when the service is finished; then make them put their left feet one behind the other, and the length thus obtained shall be a right and lawful rood to measure and survey the land with, and the sixteenth part of it shall be a right and lawful foot."<sup>3</sup> The standard thus obtained at the church door would doubtless be kept somewhere in the church or churchyard, for not only could the nave of the church itself, as at Puxton, be a standard, but measures were kept in churches, or on their walls. In London the standard foot known as Paul's foot was cut on the base of a pillar in old St. Paul's.<sup>4</sup> A just and lawful *stika*, or yard, was marked on the walls of ancient churches in

<sup>1</sup> *England under the Normans*, pp. 19, 20.

<sup>2</sup> "Sex acras terræ mensuratas per legalem perticam eiusdem villæ."—Hunter's *Fines*, i. p. 42.

<sup>3</sup> *Notes and Queries*, 9th Series, i. p. 306, referring to Jacob Koebel's *Geometrei* 1556.

<sup>4</sup> *Gentleman's Magazine*, July 1852, p. 57; *Liber Albus*, i. p. 279.



Iceland, especially that at Thingvellir, as an authorised standard.<sup>1</sup>

A building of known length may often have been used as a means of ascertaining the breadth of the acre and the length of the perch. We know that many halls and churches were purposely made of the length of 60 feet, and this, divided into four parts, would give a perch of 15 feet—a much more convenient length than  $13\frac{1}{2}$  feet. We have seen in a previous chapter that the church which St. Patrick is said to have measured out on the site of Conall's house was 60 feet in length (p. 98, *supra*), and Petrie says that this was the length even of the larger Irish churches, as appears from their existing remains. A chancel having been added to the east of the old church at Glastonbury, which is about eighteen miles from Puxton, it was thought desirable to preserve a record of the dimensions of the earlier building. Accordingly a brass plate was inscribed and affixed to a pillar on the south side of the altered church. The inscription stated, among other things, that the length of the old church was 60 feet, and its breadth 26 feet. It also stated that the distance from the centre of the pillar to the middle point between the two angles of the church, meaning the centre of the east end of the old church, was 48 feet.<sup>2</sup> Now we have just seen that at Puxton measurements were taken by putting one end of the chain at the foot of the arch dividing the chancel from the body of the church and extending it to the tower arch. Accordingly it would have been possible, by measuring from the pillar, to ascertain the middle point from which a chain may have been formerly extended. At all events the exact site, as well as the dimensions of the old church at Glastonbury, were recorded. Professor Willis regarded the inscription on the plate as not later than the fourteenth century.

In the part of Domesday which relates to Huntingdonshire there is an allusion to a contract made between the

<sup>1</sup> Cleasby and Vigfusson, *Icelandic-English Dictionary*, s.v. alin.

<sup>2</sup> Spelman's *Concilia*, i. p. 20; Petrie's *Ecclesiastical Architecture of Ireland*, pp. 193-7. Petrie gives the Latin text, as in Spelman.



abbots of Peterborough and Thorney ; the former agrees to supply materials for a house of 60 feet. In the twelfth century the villans of Auklandshire at the great hunts made the bishop's hall in the forest of the length of 60 feet, and of the breadth of 16 feet within the posts.<sup>1</sup> Hence the hall consisted of four bays separated from each other by posts. Each bay measured 15 feet by 16, the long side of the hall being divided by the posts into four perches of 15 feet each. A length of 60 feet, thus divided, would have formed a convenient standard for measuring land, if we assume that the perch was 15 feet in length, as it often was. Buildings, as well as acres, were measured by the perch. In the twelfth century the buildings on the manors of St. Paul's in the south of England were measured by a perch of  $16\frac{1}{2}$  feet—the measure at present in use.<sup>2</sup> A church or hall of known length, divided into bays of equal extent, may itself have formed a standard for measuring acres. And such a standard, especially when the building was of stone, would have had the advantage of permanence. It is unlikely that the men of Puxton alone made use of such a standard.

Probably every village had its standard perch, kept in the church or churchyard. In the eighteenth century "Little John's grave, in Hathersage churchyard, at the back of the clerk's house, is distinguished by two small stones set up at each end, and is 4 yards 10 inches long betwixt stone and stone." Such is the account given by John Wilson, of Broomhead Hall, a Yorkshire antiquary (1719-1783).<sup>3</sup> The distance between the stones may have been intended for a short perch, and it is quite conceivable that such a perch may have been called Little John. The small bell in Dronfield church, twelve miles distant, which was rung immediately after the morning peal, was called Little John, and the name may have been applied to anything small. Thus small lumps of coal are known as "Jack stones." The two stones at Hathersage are on the south side of the churchyard.

<sup>1</sup> *Boldon Book* (Surtees Soc.), p. 26.

<sup>2</sup> *Domesday of St. Paul's*, p. 138.

<sup>3</sup> *Bateman's Ten Years' Diggings*, p. 251.

At Irthlingborough, in Northamptonshire, there is an ancient cross, said to have been about 13 feet in height, which, from time immemorial, has been used as a standard for adjusting the customary pole which measures the common fields of the manor.<sup>1</sup>

If the dimensions of a church ever served as a standard land-measure, we may be sure that the dimensions of the hall answered the same purpose. For the hall, like the church, had its liquid and its dry measures, and if it had these, it is impossible to believe that it had no measures of length. The hall had its measures of malt, and in A.D. 900 we are told of *ciric-mittan*, or church measures, of ale.<sup>2</sup>

In 1446 the churchwardens of Tintinhull, Somersetshire, bought forty-seven pounds of lead for making the town weights, and in the previous year they bought "an iron beam called a balance."<sup>3</sup>

Before the Norman Conquest it was the duty of the bishop, as an officer of State, to take care that no fraud was committed by unjust measures, to which end he was made guardian of the standards. By his direction every town measure, and every balance for weighing, had to be very exact. No measuring rod was to be longer than another, but all had to be regulated by the confessor's measure in the confessor's district.<sup>4</sup> The *script*, or confessor, here appears in the light of a public officer who had charge of the standards. In 1275 the Archbishop of York informed the governing body of Beverley that he had appointed three inspectors of weights and measures in that town, in order that these might accord with the royal measures. The measures included the assize and price of bread, wine, and ale, and also bushels, gallons, ells, and weights.<sup>5</sup>

<sup>1</sup> Morgan's *England under the Normans*, p. 21, referring to Moule's *English Counties Delineated*, 1837.

<sup>2</sup> "Lx celdras de avermalt ad mensuram aulæ."—*Boldon Book*, 22; Thorpe's *Diplomatarium*, 144.

<sup>3</sup> "Item, pro xlvij libris plumbi emptis pro wights ville faciendo."—*Churchwardens' Accounts* (Somerset Record Society). "Item, pro una trabe ferri vocate Balaunce de novo empte," *op. cit.*, p. 182.

<sup>4</sup> Thorpe, *Ancient Laws and Institutes*, ii. p. 312; Kemble, *Saxons in England*, ii. p. 393.

<sup>5</sup> *Register of Archbishop Giffard* (Surtees Soc.), 269.

At Brelevenez (Côtes-du-Nord) there has been utilised as a holy-water stoup a rectangular vessel which was a standard bushel of the thirteenth or fourteenth century, as is shown by this inscription cut in Gothic capitals on its circumference: *Hæc est mensura bladi nunquam peritura*, this is the corn measure which is never to perish.<sup>1</sup>

Proclamations about weights were fixed on a board and published in English churches during the sixteenth and seventeenth centuries.<sup>2</sup>

<sup>1</sup> Enlart, *Manuel D'Archéologie Française*, ii. 338.

<sup>2</sup> Glasscock, *op. cit.*, 67, 102.

## CHAPTER XVIII

### THE ROMAN BASILICA AND THE CRYPT

WE are now in a position to turn to another part of our inquiry. It has long been usual to regard the churches of Scandinavia as imitations of the ancient halls, although that opinion has been disputed. Nicolaysen in 1856 attempted to carry them back to what he called the old Christian basilica, on the ground that their inner divisions were intended for Christian ritual. But Kugler, in his *History of Architecture*, has expressed himself against this view, and subsequently the national character of these buildings has been defended by Hannibal Hoff, who points to the large vestibule, the galleries extending all round, the wood architecture, the peculiar construction of the roofs, and the long benches against the walls. These opinions, says Professor Henning, are also applicable to East German churches. The ancient national Germanic hall answers perfectly to the claims which the oldest Christian worship laid on the space and arrangement of a church, so that it could be retained with trifling alterations.<sup>1</sup>

In an earlier part of the present work it has been seen that there are also churches in the British Isles which were formed not on the model of the basilica, but were derived from the native chief's hall.

The form, however, of the greater British churches, such as that at Hexham, was not of indigenous growth; it came from Rome. Nevertheless the Roman basilica was itself originally derived from a large dwelling-house, consisting of a great hall divided by wooden posts into nave and aisles, with a hearth at one end, and behind the hearth

<sup>1</sup> Rudolf Henning, *Das deutsche Haus*, 1882, p. 96.



the three living-rooms of the master of the house which formed, so to speak, the chancel end of an oblong building. In the aisles were the cattle, and over them the men-servants slept on one side, and the maids on the other. Farm-houses still exist in Schleswig, Hanover, Westphalia, Saterland, and other parts of the Continent which preserve the form of this ancient type of dwelling.<sup>1</sup>

But we are not concerned with the earlier history of a type of building which came into this country, as it were, ready made. Before the Christian era the basilica had already reached its highest development. The great dwelling-house of the chief had given birth to the stately hall in which merchants congregated, and judges held their court.

The basilica had a nave or central hall which was divided from one or more aisles on each side of it by rows of columns, the whole forming a covered market and exchange. The building was devoted to business transactions and the administration of justice. At one end was a raised tribunal, corresponding to the later chancel. The basilica, like the church, had clerestory windows. It had also a gallery extending round the inside like the triforium of a large church.

To this striking architectural resemblance we must add the fact that churches, like basilicas, both here and on the Continent, were long used as market-halls and courts of justice. Architectural resemblance, taken by itself, might mislead, but, when it is combined with identity of function, we are justified in assuming identity of purpose.

In comparing the architectural characteristics of the basilica with those of the Christian church, there is one feature which, as a proof of origin, is perhaps of greater significance than any other, but which, nevertheless, has been neglected. The crypt under the oldest English chancels has such a likeness, in all its details, to that under

<sup>1</sup> Meitzen, *Das deutsche Haus*, p. 10; Henning, *op. cit.*, p. 31; Otto Lasius, *Das friesische Bauernhaus*, pp. 4-10; *Zeitschrift des Vereins für Volkskunde*, iii. p. 257; Lange, *Haus und Halle*, p. 32; Addy, *Evolution of the English House*, pp. 79-89.

the tribunal of the basilica discovered at Pompeii that we may describe both with some minuteness.

At the west end, says Lange, of the great hall of the Pompeian basilica "are three rooms. The middlemost of these is the tribunal, which is raised five and a half feet above the floor of the great hall, and is thirty-two feet broad and eighteen feet deep. On the sides of the tribunal are two side rooms about eighteen feet broad, such rooms being separated from the tribunal by two small staircases, and their floors being on a level with the aisles of the basilica. Their back walls are flush with the back wall

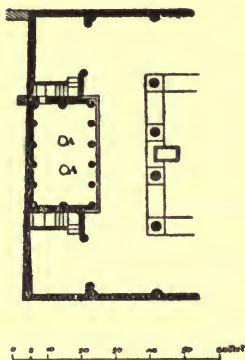


FIG. 37.—Plan of west end of Basilica, Pompeii.

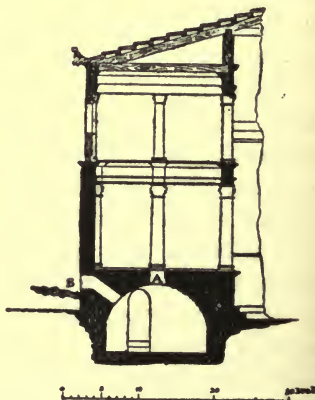


FIG. 38.—Section of Crypt, Tribunal, and second story, Pompeii.

of the tribunal. The anterior enclosing walls of the stairways end towards the side rooms in three-quarter pillars. From the side rooms small doors open into the stairways, in which stairs, divided into two, four, and again two steps, lead into a crypt, lying eleven feet beneath the tribunal. The crypt, lighted on its hind wall by two small cellar windows (B), is connected with the floor above by two irregular holes (A, A) whose ancient origin is probable, but not certain." The plan (Fig. 37) and section (Fig. 38) will make this description clear.<sup>1</sup> The section shows that the tribunal had a second story.

<sup>1</sup> Lange, *Haus und Halle*, p. 352.

The vaulted chamber under the tribunal, says Mau, "could hardly have been designed as a place of confinement for prisoners; escape would have been easy by means of two windows in the rear, especially when help was rendered from the outside. More likely it was used in connection with the business of the court, as a storeroom, in which writing materials and the like, or even documents, might be kept; they could easily have been passed up through the holes when needed. The second story of the tribunal was not so completely open to the main hall as the first. Its front, the remains of which have for the most part been recovered, was divided off by half columns corresponding in number and arrangement with the columns of the first story, but each half-column was flanked by narrow pilasters, while a parapet of moderate height occupied the intervening spaces."<sup>1</sup>

The basilica of Pompeii was erected about 93 B.C., and the city was destroyed in A.D. 79 by the lava of Vesuvius. By this catastrophe a perfect ground-plan and much besides of a large basilica have been preserved. That the building was a basilica is shown not only by its plan but by the discovery in 1806 near the door on the south side of the word *Basilica* cut several times in the stucco by a sharp instrument.<sup>2</sup>

There are similar crypts, with internal staircases on each side, and cellar windows at the back, under the apsidal ends of Lombard churches in North Italy. Good examples may be seen in the churches of S. Michele at Pavia and S. Ambrogio at Milan. Here the crypts are larger than that at Pompeii, and their roofs are supported by columns, as in the crypt at Repton to be presently described. These Lombard churches belong to the style known as Romanesque—a style which, "in character as well as in time, lies between the Roman and the Gothic."<sup>3</sup>

Crypts under chancels are very numerous in England, but only a few can be mentioned here.

On the south side of the altar of Wilmslow church, in

<sup>1</sup> *Pompeii*, trans. by Kelsey, 1899, p. 77.

<sup>2</sup> Lange, *op. cit.*, p. 355.

<sup>3</sup> Cummings, *A History of Architecture in Italy*, i. 89, 106–110.



Cheshire, is a doorway, now blocked up, leading by a flight of stone steps to a crypt underneath the eastern end of the chancel, which communicates, by means of a small window, with the churchyard. The crypt is about 20 feet long from north to south, and about 15 feet wide from east to west; its roof is now formed by the wooden flooring of the chancel, which was rebuilt in 1522.<sup>1</sup>

The crypt under the east end of Berkswell church, Warwickshire, "is approached by two narrow and steep staircases, with doors from the nave, one on each side of the chancel arch."<sup>2</sup> Descent into the crypt of Wimborne Minster, Dorsetshire, is made by two staircases, one in the north aisle and the other in the south, each staircase containing eight steps. There is a window at the east end of the crypt.

The remarkable and very early crypt under the chancel of Repton church, Derbyshire, has "two passages communicating by flights of steps with the church above." This crypt is said to have been discovered in the eighteenth century by an accident, a workman preparing a grave being suddenly precipitated into it. "In the south-west division," says Dr. Cox, "is the repair of a hole broken through the vault." "The north-east and south-east vault spaces," said Mr. Irvine, "retain openings which once went through to the upper chancel"; these may be compared with the two holes in the roof of the crypt at Pompeii. In the east wall under the chancel window is an opening for admitting light to the crypt. The present entrance is not by the two staircases leading to the church above, but by a later door and steps on the north side. Mr. Micklethwaite thought that the vaulting showed traces of Roman work, and he attributed the crypt to the seventh century. The roof is plastered, and there are remains of coloured decoration on the walls and pillars. The stones are smooth, as if they had been polished with sand. Rickman says that the crypt "is more like Roman work in some parts than Norman." It had, says Dr. Cox, the effect

<sup>1</sup> Earwaker's *East Cheshire*, i. pp. 66-7.

<sup>2</sup> *Memorials of Old Warwickshire*, 1908, p. 50.



"of raising the high altar to an unusual level, in the same way as may be seen at Wimborne Minster." Here, then, we have another point of resemblance to the crypt at Pompeii. There is a triangular aperture in the west wall of the crypt which, as Dr. Cox thinks, may have given light through the chancel steps. In 1898 the Rev. F. C. Hipkins "uncovered a flight of five steps, each consisting of a single squared stone resting on the earth leading down to the eastern opening."<sup>1</sup> This interesting discovery may be compared with the seven steps which led down to the western opening in the crypt at Hexham.

The crypt at Hexham, of which Fig. 39 gives the plan, was discovered in 1726. It is constructed almost entirely of stones brought from a Roman building. Nearly in the centre of the roof of what has

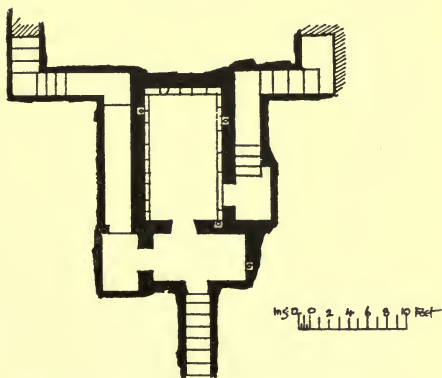


FIG. 39.—Plan of Crypt, Hexham.

been fancifully called the ante-chapel "are traces of a small rectangular opening, like one in a similar position in the crypt at Ripon." Two winding stairways, on the right and left, lead down into the crypt from the east. At the west end is an opening corresponding in position to the two windows at the west end of the Pompeian crypt, with steps, as at Repton, leading down to it. This crypt, like that at Ripon, has been plastered throughout.<sup>2</sup> On the discovery of the crypt two remarkable inscriptions were found in it. One of these, according to Horsley's reading given in the note below,<sup>3</sup> describes the Roman emperor, apparently

<sup>1</sup> Cox, *Churches of Derbyshire*, iii. pp. 434 f.; J. T. Irvine in *Derbyshire Archaeological Journal*, v. pp. 165 f.; *Athenæum*, Oct. 1898, p. 495.

<sup>2</sup> Raine's *Priory of Hexham*, ii. p. 35.

<sup>3</sup> "Legato Augustali proprætore Quintus Calpurnius Concessinius præfectus equitum Cæsariensium Corionototarum manu præsentissimi numinis dei votum solvit."—Horsley's *Britannia Romana*, 1732, pp. 248-9, and Fig. cviii. (Northumberland).

Commodus, as "His very present Godhead" (*præsentissimum numen dei*). It is interesting to find this trace of Augustus-worship in the basilica at Hexham, because an inscription tells us that a guild-room (*phetrium*) was made for certain *augustales*, or priests of Augustus, beneath a portico of the Basilica Sulpiciana. Another inscription says that the *phetrium* was in a corner of the portico (*in angulo porticus*).<sup>1</sup> We may compare this use of a basilica with that which the early Christians made of such a building when they met, as will be seen in the next chapter, in an obscure part of the basilica of Sicininus.

It will be seen that the arrangement of the crypt at Hexham differs from those at Pompeii and Ripon. The stairs by which descent was made on both sides from the floor above do not lead directly into a single apartment, but enter passages on each side of it 2½ feet broad. A person descending the steps on the south side would have entered a small chamber at the western end of the passage. This chamber has a pointed triangular roof formed of large flat stones, the height to the apex of the roof being 8 feet. From the chamber a round-arched doorway leads into an oblong vaulted room about 13 feet long, and 7 feet 8 inches broad, the height to the top of its roof being 9 feet. In its side walls are three small recesses, shown on the plan, with cavities in their bottom stones, and funnel-shaped hollows above. A person descending the steps on the north side would have entered, at the end of the passage, a small chamber with pointed triangular roof, forming a vestibule to an arched ante-chamber, from which a splayed doorway opens into the oblong vaulted room. Here, too, there is another recess in the wall, with a cavity at the bottom. The present entrance to the crypt is down the steps in the western opening.<sup>2</sup>

Notwithstanding these differences, the plan of the crypt corresponds with that at Pompeii in the winding stairs in

<sup>1</sup> Lange, *Haus und Halle*, pp. 162, 223, referring to Gruter, i. p. 214, and Orelli, 3787.

<sup>2</sup> T. H. Turner in *Archæological Journal*, ii. pp. 239-42; C. C. Hodges in the *Builder*, lxxvi. p. 323.

the north and south by which it was originally approached and in the opening at the west end, which may originally have been a window. There was also, as we have seen, a hole in the roof of the western part of the crypt communicating with the floor above.

The crypt at Hexham is not, like that at Repton, under the east end of the chancel, but under the east end of the nave, so great are the changes which have taken place in the building. But it was originally under the *west* end of a basilica, as is shown by the direction of the two stairways. In descending those stairways we go down, as at Pompeii, towards the west; at Repton, and in other oriented churches, we go down towards the east. The fact that the crypt was constructed of materials which had already been used in a Roman building is not inconsistent with the possibility that it was constructed during the Roman occupation. Roman materials were sometimes used over again, even in Roman times, as in the case of the walls of Chester.<sup>1</sup> If the crypt at Hexham is of Christian origin its westward position is strange, notwithstanding the fact that there are churches in Italy and the south which have their choirs to the west, and their principal entrance towards the east. Mr. Micklethwaite said that the crypt under the central tower at Ripon belonged to a church which, after the Italian manner, had the altar at the west instead of the east end, and that a window in the east wall of the crypt was for the purpose of obtaining a view of the relics contained in the crypt from the nave. Omitting these unfounded guesses about altars and relics, it is interesting to learn that the earlier church, or basilica, at Ripon, like that at Hexham, had its crypt at the west end.

The approaches to the crypt at Ripon have been much altered, but the steps at the foot of the stairway leading eastwards to the church above seem to have formed part of an original entrance from the east, the entrance on the opposite side, in which there are no steps, being of later date. "The masonry," says a writer in the *Builder*, "is of

<sup>1</sup> J. Romilly Allen's *Monumental History of the British Church*, p. 12, referring to Earwaker's *Roman Remains at Chester*.



a description far in advance of and different from that of the Saxon architecture in England, the monolithic arches, the unbroken and excellently built vault, the smooth masonry, coated with a fine and very hard plaster, which takes a polish, all indicating the Italian or rather un-English character of the work." <sup>1</sup>

The Lanercost chronicler describes the church at Hexham as a basilica distinguished by Roman work (*basilica Romano opere insignita*). Hexham, says Dr. Bruce, "is no doubt the site of a Roman station, but its Roman designation has not been satisfactorily ascertained. In the aisle of the south transept of the present church, which appears to have been erected about the close of the twelfth century, are two Roman altars, which were discovered in pulling down some buildings close to the church, in 1871. In 1881 a finely carved Roman tombstone was found beneath the floor of the porch adjoining the south transept. One of the stones at the top of the staircase of the north-west corner of the tower is a Roman altar." "The number of inscribed and sculptured stones," says the same authority, "found in Hexham gives strong confirmation to the opinion that it was a post held by the Romans. Some have supposed that the Roman stones used in the construction of the church have been brought from Corchester. This surely cannot have been the case, as there is an abundance of stone in the immediate vicinity of Hexham." <sup>2</sup> Furthermore, Raine has shown that "the remains of the Saxon work at Hexham are hardly distinguishable from Roman." "At no other place in England," he says, "do we find Christian architecture brought into closer contact with the handiwork of Roman builders, native as well as foreign. . . . There are a few sculptured stones at Hexham which it is difficult to appropriate with certainty either to Christian or pagan hands." On the crosses found there he observes "that peculiar use of the vine which is so often seen in the earliest churches on the Continent." <sup>3</sup> There is evidence here of unbroken

<sup>1</sup> *Builder*, lxiv. pp. 89 f.

<sup>2</sup> *Handbook to the Roman Wall*, 3rd ed. pp. 78 f.

<sup>3</sup> *Priory of Hexham* (Surtees Soc.), ii. pp. xxvi. f.



continuity between Roman and English architecture; the one glides imperceptibly into the other.

Prior Richard of Hexham, who lived in the twelfth century, has left a glowing account of the magnificence of the church which, as he says, was built by Wilfrid in 674. He speaks of walls of immense length and height, and of the wonderful paintings by which they were decorated, and concludes his description by saying that no such building could have been found on this side of the Alps.<sup>1</sup> Of such a basilica the crypt which has been described formed a part.

The small crypt under the east end of the church of St. Gervais, in Rouen, anciently known as the city church, has traces of early painting on its walls. It has been attributed to the fourth century, and is regarded as the oldest crypt in France.

In 1869 the church was demolished and rebuilt, but a "restoration" of the crypt was fortunately interrupted. About this time a boring is said to have been made in the vaulted roof to ascertain its solidity.<sup>2</sup> But the statement may be inaccurate. It seems more likely that there was an original hole in the roof of the crypt, as at Pompeii, Repton, Hexham, and elsewhere. The crypt at St. Gervais is in three divisions. It is approached by stairs leading from the stalls of the choir, and has the usual east window.

In the course of time the form and arrangement of crypts were still further modified, though the essential features remained the same. If we compare the plan (Fig. 40) of the crypt at the east end of the long chancel, built about 1230, of Bamburgh church with that at Hexham,

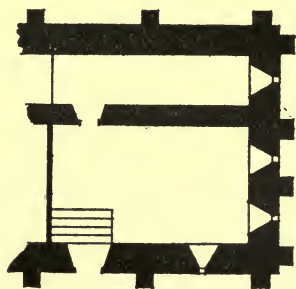


FIG. 40.—Plan of Crypt, Bamburgh.

<sup>1</sup> *Op. cit.*, ii. p. 11.

<sup>2</sup> *Crypte de St. Gervais*, par l'Abbé A. Loisel, Vicaire à Saint-Gervais, p. 20.

we shall notice that in both cases there is a passage on the north side. The passage at Bamburgh has a pointed barrel vault, and was formerly approached, as at Hexham, by a stairway from the floor above. But instead of a passage and stairway on the south side there is at Bamburgh a door in the outer wall, so that the entrance on that side was from the churchyard. At Repton the doorway in the north wall of the crypt seems at a late time to have been the only entrance. The crypt at Bamburgh is lighted at the east end by two plain short lancets and by a single one on the south side. The northern division of the crypt is lighted at the east end by a window similar to those in the larger chamber. It opens into the southern part by a square-headed doorway.<sup>1</sup> The crypt is about 20 feet square.

Examples of the basilica and its crypt may be seen from one end of the Roman Empire to the other; they are found in Egypt as well as Britain. Nearly in the centre of the Roman fortress at Old Cairo is the oblong church of Abu Sargah, or St. Sergius, built in the form of a basilica, with narthex, nave, north and south aisles, and three rounded apses at the eastern end, in the middlemost and largest of which is the tribune. Beneath the tribune and part of the choir is a crypt approached in the usual manner by flights of steps from the north and south. It lies about 9 feet below the level of the choir, and is 20 feet in length by 15 in breadth. It is divided into three parts, and is wagon-vaulted in three spans. In the northern wall is a round-headed opening which may be compared with "Wilfrid's needle" at Ripon, and with a similar opening at Hexham. The recesses in the north, south, and east walls are said to have contained altars, but there is no evidence of this, and the northern recess contains a flat shallow basin, in the form of an oblong tray. These recesses should be compared with the smaller recesses at Hexham (Fig. 39, *supra*). Let into the limestone floor, just beneath the chief altar of the church, is a circular slab

<sup>1</sup> *A History of Northumberland*, vol. i. (Bateson), p. 107.

of white marble, and on the south side is a round stone vessel set in masonry near the ground. It is said that the church is about a thousand years old, and that the crypt may belong to the second or third century.<sup>1</sup> The columns supporting the roof are about 5 feet high. One shaft near the southern entrance is twisted and fluted, and may be compared with the twisted columns in the crypt at Repton. No trace of burial or of saints' bones has been found in the crypt at Abou Sargah. The absence of an east window may be accounted for by the fact that houses, now in ruins, are built up against the east wall of the church. The axis of the building faces the south-east. The floor of the nave is about 5 feet 6 inches below the ground-level outside the church. The lofty marble tribune consists of four tiers of seats which sweep round the whole curve of the apse, and in the midst of the curve is placed the patriarch's throne. Thus the patriarch and the elders sat round the wall of the central apse and faced westward, or, to be more exact, south-westward. We are reminded of the vision in the Apocalypse of St. John, written about A.D. 68: "Behold a throne was set in heaven, and one sat on the throne. . . . And round about the throne were four and twenty seats: and upon the seats I saw four and twenty elders sitting, clothed in white raiment, and they had on their heads crowns of gold." These words have more than an ideal value; they describe, with some poetic exaggeration, the chief magistrate and his council or assessors sitting round the apse of a basilica.

There are traditions about two English crypts which seem to connect them with the ordeal. It is said that in the crypt at Ripon was "the famous needle of Wilfrid, a narrow passage in a vault, by which women's virtue was tried: those women who had kept their honour easily passing through it; while those whose characters were suspicious by some peculiar miracle stuck fast."<sup>2</sup> In 1617 another writer said: "Rippon had a most flourishing monastery, where was the most famous needle of the

<sup>1</sup> Butler's *Ancient Coptic Churches of Egypt*, i. pp. 199-203.

<sup>2</sup> Gough's *Camden's Britannia*, 1806, iii. p. 241.



Archbishop Wilfred. It was a narrow hole by which the chastity of women was tried."<sup>1</sup> In 1650 Thomas Fuller speaks of "the threading of St. Wilfride's needle as a conceit." In 1733 Thomas Gent, in his *History of Ripon*, mentions "the Little Hole call'd St. Wilfrid's Needle where people are drawn through into the Chapel," as he calls the crypt. He gives a plan showing that the hole, splayed to a considerable width on its north side, passes through a wall which separates the crypt from the north passage which adjoins it. A crypt under the east end of the chancel of Hornsea church, East Yorkshire, has a contemporary fire-place on its north side, the outlet of the chimney being a horizontal opening flush with the sill of a window on the north side of the chancel. The floor of the crypt is reached by winding stone steps at its north-west corner, the corresponding steps in the south-west corner having been probably removed. The outlet of the chimney is stained by smoke to this day.<sup>2</sup> In 1848 Mr. E. W. Bedell wrote thus of this crypt: "Many years ago it is said to have been the habitation of an old woman, of weak intellect, who went by the name of Nanny Canker-needle. An aperture under the east window, apparently once a window, now walled up, was the entrance."<sup>3</sup> The aperture is no longer walled up, and is certainly an ancient window. Here then, as at Ripon, we have a tradition about a "needle," to which the word "canker" is prefixed, associated with a woman, and we have seen (p. 214, *supra*) that women appealed to the ordeal to prove their chastity. Is it not possible, or even probable, that the "needle" of the tradition was the piece of hot iron which the accused held in her hand, and which, if she were guilty, was believed to produce a "canker" in that hand? It is hard to see how a hole could be called a needle, though it might have been compared to the eye of a needle, through which the hot iron was passed from the crypt below, as a thread

<sup>1</sup> Moryson's *Itinerary*, 1617, iii. p. 143.

<sup>2</sup> See a full description, with plan, in the present writer's *Evolution of the English House*, 3rd ed. p. 193.

<sup>3</sup> *An Account of Hornsea*, Hull, 1848, p. 106.



goes through a needle's eye. Hence the crypt at Hornsea may have had such a hole through which the iron, made hot in its fire-place, was delivered to an attendant above. We do not, however, know the age of the fire-place; we only know that there was a church here in 1086, and that the walls of the chancel do not seem older than the fourteenth century. The vault of the crypt is of modern brick. A passage in Sophocles<sup>1</sup> shows that the ordeal of hot iron was known to the Greeks, but there seems to be no proof that it was ever used by the Romans. Crypts, in any case, can hardly have been intended for the ordeal alone. In Ireland, which the Romans never penetrated, there are no crypts.

The opinion that a crypt was a place in which the bones and relics of a saint or martyr were deposited, and where they could be adored through a "hagioscope," as one writer calls it, or a "holy hole," as another writer describes it, cut in the chancel steps, may be passed over in silence. That crypts, when no longer required for judicial purposes, would make convenient burial vaults, with convenient steps of approach, is obvious, and they were in fact often used as such. From this source, no doubt, legends about saints' bones have arisen.

The old theory was that the basilicas of Roman cities were handed over, in some mysterious way, to the Christians in the time of Constantine, and Dr. Lange, in his *Haus und Halle*, has attempted to rehabilitate it. This theory has been well confuted by Professor Baldwin Brown. "In no single instance," he says, "is there any mention that this Emperor or his successors handed over any one public building for such a purpose. This important gift, if it was ever offered, was never even acknowledged by the recipients. Now the absolute silence which reigns on this point is a convincing proof that the supposed donation of the basilicas is a mere fiction of later times."<sup>2</sup>

But although it is true that the basilicas were not given to the Christians by the edict of Milan in A.D. 313, or at

<sup>1</sup> *Antigone*, 264.

<sup>2</sup> *From Schola to Cathedral*, pp. 219 f.

any other time, it is not the less certain that they began to make use of those buildings at an early period. We shall see in the next chapter that Christians, instead of building temples of their own, found meeting-places in the shells of existing institutions. We shall also see that in England this intrusive movement was the work of monks, whose encroachments, though aided by the powerful, were long resisted.

## CHAPTER XIX

### THE INFUSION OF MONACHISM

IN a famous passage the historian Ammianus Marcellinus describes an incident which took place in A.D. 366. Damasus and Ursinus, being rivals for the bishopric of Rome, engaged in battle on that account, and by the efforts of his friends Damasus was victorious. So violent, however, was the strife that "on one day a hundred and thirty-seven dead bodies were found in the basilica of Sicininus, in which is a conventicle of Christian ritual."<sup>1</sup> A Greek writer, who describes the same incident, speaks of certain Christians meeting "in an obscure part of the basilica of Sicininus."<sup>2</sup> Here we are told in the plainest language that a Christian religious association had engrafted itself on a pagan basilica.

It appears then that room was found in the vast hall of a Roman basilica not only for merchants and men of business, but for small assemblies of Christians. Instead of meeting in the forum or open market-place, like our modern itinerant preachers, they were permitted to assemble under the roof of a building which has been described as an extension of the forum. It is not easy to make proselytes amid the bustle and throng of an open market, and though it may have been less difficult in the covered halls where merchants congregated, the noise of many voices must often have drowned the voice of the preacher. And if in the course of time the preaching of Christian doctrine, or the exercise of Christian ritual, became a usual or acknowledged practice in basilicas, it is very probable that

<sup>1</sup> "In basilica Sicinini, ubi ritus Christiani est conventiculum."—Ammianus Marcellinus, xxvii. 3, 13.

<sup>2</sup> 'Εν ἀποκρύφῳ τόπῳ τῆς Βασιλικῆς τῆς ἐπικαλουμένης Σικίνης.—Sokrates, *Hist. Eccl.*, iv. 29.

jealousies, and even conflicts, would arise between preachers and merchants. That such was actually the case at the dawn of Christianity may be inferred from the ejection of merchants from the temple at Jerusalem, thus described in the Gospel of St. John : "The Jews' passover was at hand, and Jesus went up to Jerusalem, and found in the temple those that sold oxen and sheep and doves, and the changers of money sitting. And when He had made a scourge of small cords, He drove them all out of the temple, and the sheep and the oxen ; and poured out the changers' money, and overthrew the tables ; and said unto them that sold doves, 'Take these things hence ; make not my Father's house a house of merchandise.'"

The passage here quoted enables us to see what must have been the attitude of the early Christians not only towards the Jewish temple, but also towards the basilicas of ancient Rome. Their ambition led them to desire the possession of something more than a *conventiculum*, or a mere corner, in such a building ; they aspired to possess the whole. That this continued to be an aspiration, and not an accomplished fact, for many centuries after the introduction of Christianity is shown, among other places, by what happened in Great Britain. We have seen that there not only were merchants not ejected from the churches, but that they constantly sold their goods in them down to a late time.

In St. Mark's account of the ejection of the merchants we are told that Jesus "would not suffer that any man should carry any vessel through the temple." And yet we have seen that as late as 1554 the inhabitants of London used St. Paul's Cathedral as a market and thoroughfare through which they carried vessels full of ale and beer, and baskets of bread, fish, and meat. Nor was this an innovation of the sixteenth century ; the practice had descended from an early time. Even in the sixteenth century the greatest church in London was far from being devoted to the exclusive use of religion ; it still continued to be, in the words of the Gospel, a "den of thieves."

We must here, however, pass over the earlier history of



Christianity, both in the home of its birth and in the continent of Europe, and turn at once to Great Britain and Ireland. Omitting the vague and shadowy evidence of the importation of this religion during the Roman occupation, there is one fact of great importance which comes into view when we first meet with records which are in any way trustworthy, and that is the fact that Christianity came into the British Islands in the guise of monachism. The missionaries of the sixth century were monks. Augustine, who, if we may rely on Bede, was sent into England by Pope Gregory in 596, was a monk, and so were his companions.<sup>1</sup> He came, according to the Anglo-Saxon Chronicle, with a great many monks. Monastic chroniclers invariably represent Augustine as introducing monks into the great churches of England.<sup>2</sup> "The Christianity of the Anglo-Saxon kingdom," says Milman, "whether from Rome or Iona, was alike monastic. That form of religion already prevailed in Britain, when invaded by the Saxons, with them retreated into Wales, or found refuge in Ireland. It landed with Augustine on the shores of Kent; and came back again, on the invitation of the Northumbrian king, from the Scottish Isles."<sup>3</sup> Patrick, who is said to have gone as a missionary to Ireland in 432, was a monk, first at Tours and afterwards in the celebrated monastery of Lerins, which was the residence of a great number of Egyptian monks. In the fifth century Gaul was the great European home of Eastern monachism, and the architecture and ecclesiastical arrangements of the early Irish church had many features in common with the East. There is an ancient document, called the Litany of St. Aengus the Culdee, written in 799, in which are invoked a vast number of foreign saints buried in Ireland, and among them "seven Egyptian monks who lie in Disert Vliidh."<sup>4</sup> In Scotland the early church was also monastic, as appears in the writings of Adamnan, who was

<sup>1</sup> *Hist. Eccl.*, i. p. 23.

<sup>2</sup> Prebendary Walcott in *Journal of British Archæological Association*, xxxii. p. 330.

<sup>3</sup> *Latin Christianity*, 1854, ii. p. 77.

<sup>4</sup> Petrie, *Ecclesiastical Architecture of Ireland*, pp. 137-8.

Abbot of Iona from 679 to 704. However legendary and unsatisfactory these accounts may be, they all concur in representing the early missionaries to the British Islands as monks. "Before Iceland was colonised," said the Icelandic historian, "by the Northmen, there were men in that country whom the Northmen call Papas (Culdees). These were Christian men, and it is believed that they must have come over the sea from the British Islands, for there were found left by them Irish books, bells, croziers, and many other things, from which it might be concluded that they were Irishmen." In some of the Eddic poems Christ is described as "the Lord and friend of monks," and as "King of the monks' land" [Rome].<sup>1</sup>

Just as the early Christians of Rome were permitted to make use of the basilicas, so in England Augustine and his monks are said to have been advised by a letter from Pope Gregory in 601 to make use of existing temples. "The temples (*fana*) of the idols in that nation," the Pope is alleged to have said, "ought not to be destroyed; but let the idols that are in them be destroyed; let holy water be made and sprinkled in the said temples, let altars be erected, and relics placed. For if those temples are well built, it is necessary that they be converted from the worship of demons to the service of the true God; that the nation, seeing that their temples are not destroyed, may remove error from their hearts, and knowing and adoring the true God, may the more familiarly resort to the places to which they have been accustomed. And because they have been used to slaughter many oxen in sacrifices to demons, some solemnity must be exchanged for them on this account, as that on the day of dedication, or the nativities of the holy martyrs, whose relics are there deposited, they may build themselves huts of the boughs of trees about those churches which have been turned from temples to that use, and celebrate the solemnity with religious feasting, and no more offer beasts to the Devil, but kill cattle to the praise of God in their eating."<sup>2</sup>

<sup>1</sup> *Landnámna*, c. 1; *Corpus Poeticum Boreale*, ii. pp. 485-6.

<sup>2</sup> Bede, *Hist. Eccl.*, i. p. 30. See *Boldon Book* (Surtees Soc.), p. 26.

It could not have been unknown to Pope Gregory that men will not tolerate violent changes in polity or religion, nor had Augustine and his monks, not being supported by an army, the power to destroy "temples of idols." One of the heathen practices which Gregory mentions continued long afterwards. According to Reginald of Durham, in the year 1164, Ailred, Abbot of Rievaulx, was on a journey in Galloway, and was at Kirkcudbright on the festival of the saint from whom the place is called. On this occasion a bull of fierce temper was brought to the church as an oblation, and was baited in the churchyard by the young clerics, notwithstanding the remonstrance of the more aged brethren.<sup>1</sup> The difficulty is to ascertain what is meant by Bede's "temples of idols," for, as Jacob Grimm said, "not a single image of a Teutonic god has escaped the destructive hand of time and the zeal of the Christians."<sup>2</sup>

We may be sure that the transition to Christianity was slow; indeed Bede himself hints that it was so when he says that Redwald, King of East Anglia, had in the same temple an altar to sacrifice to Christ and another to offer victims to demons. Such trustworthy evidence as we possess tends to prove that conversion to the new religion was effected by monks, who little by little established themselves in the earlier seats of religion and justice, and did in fact the very thing that Gregory had advised them to do. Unless the statement was due to Gregory's ignorance of Great Britain, the "temples of idols" which he mentions were probably basilicas, like that at Hexham. But such buildings were rare in Great Britain, and it was for the most part the chief's hall in which the new doctrine found a home. How slowly the change was effected is made evident by the following remarkable case: In a description of the church of St. Andrews in the twelfth century we are told that "there were none who served at the altar of the blessed Apostle, nor was mass celebrated there, except

<sup>1</sup> *Historical MSS. Commission, 4th Report*, App. p. 438; *Reginald of Durham* (Surtees Soc.), p. 311; the offering of an ox to St. Cuthbert is mentioned on p. 236.

<sup>2</sup> *Teutonic Myth.*, trans. Stallybrass, i. p. 112.



upon the rare occasions when the king or bishop visited the place. The *Keledei* (Culdees), however, were wont to say their office after their own fashion *in a corner of the church*, which was very small."<sup>1</sup> The Culdees were a Scot-Irish religious order, found from the eighth century onwards. Here we have a very interesting parallel to the case of the Christians who, as we have just seen, met in an obscure part of the basilica of Sicininus eight centuries before.

But, as time went on, the power of monachism became great, and monks and nuns obtained more than a "corner" of the church. A few examples may be given.

Subsequently to the year 1165 a nunnery of the Benedictine Order was engrafted on the parish church of Marrick, near Richmond in Yorkshire, and the advowson given to the new community. A sketch plan of the church and monastic buildings, made in 1592, shows that the tower and church occupied the whole of the north side of a quadrangle, the other sides containing various conventual buildings. The "nonnes quier" was in the western half of the nave, and it was divided from the "bodye of the paryshe church" by a wall. To the east of this "bodye" was the chancel, with its altar, which was doubtless used by the parishioners, because the nuns had two altars in their choir. South of the chancel was the "vesterye" and the "closett," with their respective doors, and north of the chancel was the "quier of the founder," with its altar. The graveyard of the parishioners, with its cross, was on the north side of the church. The parishioners entered the church by a north door, and the nuns entered their choir by a south door opening into the cloisters. The "prioeres chamber" was on the north side of the "stepell" and the "bellhouse," but was separated from them by a small courtyard. Although the parochial church was divided from the conventual church by a wall, there was a door in its centre forming a communication between the two parts of the building.<sup>2</sup>

<sup>1</sup> "Keledei namque in angulo quodam ecclesiæ, quæ modica nimis erat, suum officium more suo celebrabant."—*Chronicle of the Picts and Scots*, ed. Skene, p. 190.

<sup>2</sup> *Collectanea Topographica*, v. pp. 100 f. and 221 f.



According to a survey made when the monasteries were dissolved, the nuns' church at Nunkeeling stood "at the nether ende of the parishe church, and the walles and the roof are alle hole (wholly) of one story." The nether end of the parish church was the west end. The survey also says: "There are ij doorys by the high alter for to come and go into the parishe church." The two churches were separated from each other by a wall. The high altar of the nuns' church stood against this wall, and on either side of it, as we shall see presently was the case elsewhere, was a door through which access to the parish church could be obtained. The survey also speaks of "the belfray at the nether ende," and the bells of the parish church appear to have been hung in it, though the tower seems to have belonged to the nuns. The nunnery was founded in 1152 by Agnes de Archis, who gave the church of Killinghe to the nuns. Nunkeeling is about three miles north-west of Hornsea, East Yorkshire, and is mentioned in the Hundred Rolls and in later documents as Killing. In the will of a Hornsea man, dated 1461, we are told of the parish church of Nunkilling.<sup>1</sup> The place occurs in Domesday as Chilinge, no church being mentioned.

A priory of Cistercian nuns was founded at Swine, near Hull, before the end of the reign of Stephen, and it once consisted of a prioress and fourteen or fifteen nuns. According to Domesday, there was a priest here, with provision for his support, and from this we may infer that there was a church. Here, as at Marrick and Nunkeeling, the nuns' church adjoined the west end of the parish church, on which no doubt it was engrafted. At the west end of the parish church there was a tower, pulled down in 1787, but shown in an engraving made about that time. On each side of the tower was a transept, and the tower stood on four lofty arches. In 1787 the north, south, and west arches of the tower had been built up with brick, a modern square window, giving light to the church, appearing in the wall filling the western arch. From this

<sup>1</sup> *Yorkshire Archaeological Journal*, ix. p. 209; *Test. Ebor.*, ii. p. 255; *Monasticon*, iv. p. 186.

condition of the tower, and from the roofless and broken walls of the transepts, it appears that at the breaking up of the nunnery only the parish church and the tower were preserved. Moreover, the priory church is described in the survey quoted in the last paragraph as 76 feet long and 21 feet wide inside, and this conclusively proves that the present church cannot have been the priory church. Mr. Bilson thinks that the parish church was rebuilt when the priory was founded, and the priory church built in the middle of the twelfth century. "The two," he says, "formed a long aisleless building, with a tower in the centre; the part east of the tower being the parish church, and that to the west the priory church, with the cloister and conventual buildings on its south side. Of this parish church traces may be seen in the east gable wall with its buttresses, and part of a window on the north side close to the east end; parts of the internal string under the windows also remain. Later in the twelfth century (probably *c.* 1170), aisles were added to the nave of the parish church, the arcades opening into the aisles having cylindrical piers with scalloped capitals and pointed arches." There is no chancel arch.

In the time of the prioress Johanna de Mowbray there was a dispute between the nuns and parishioners about a little building on the north side of the parish church, the parish alleging that it was always a portion of the parish church called the north croft, which, when the priory was burnt down, was lent to the nuns to lay their wool in.

On the 8th of January 1538, the prioress and convent, who are described as possessing the parish church of Swine to their own use, granted to the vicar of Swine and his successors the usual dwelling of the vicars in the Guest Hall and garden adjoining, 20 marks a year, and food for two horses, and the grant was confirmed by the Archbishop of York on the 28th of March in the same year. Although a list of vicars has been preserved from 1323, it would appear that no provision had been made for their maintenance until the eve of the dissolution. The priory

was surrendered on the 30th of September 1539, and in 1540 the king granted to Sir Richard Gresham the church, belfry, and cemetery of the priory. About a year later the rectory and the right of presentation to the vicarage were also granted to him.

From the survey just mentioned we learn that at the dissolution the vicar and four priests dwelt in a timber building, "with a crosse end," 100 feet long and 16 feet wide. These priests appear to have been the chaplains of both churches, for John Brompton, of Beverley, by his will dated 1444, made bequests to the prioress of Swine, to every nun of that house, and to every chaplain celebrating the divine offices in the churches of that town, meaning the parish church and the nuns' church. In 1404 Walter Skirlaw, Bishop of Durham, made a bequest to the nuns of Swine to celebrate his obit, and a bequest to the chaplains and clerks of the parish church there for the same purpose. At an earlier time there seem to have been monks as well as nuns at Swine. For there is a charter by which Erenburch de Burton, wife of Ulbert the constable, made a grant to the church of St. Mary of Swine and the brothers and sisters there. It is possible that "brothers" here means chaplains, but there is an indication that Swine was a mixed convent of men and women in the thirteenth century. The Archbishop of York held a visitation of the priory in 1268, when it was found that "two windows through which the food and drink of the canons and lay brothers (*conversi*) were carried by two nuns, who were said to be the keepers (*janitrices*) of those windows, were not properly watched, so that suspicious conversations often took place between the canons and lay brothers on the one hand and the nuns and sisters on the other. It was also found that a door leading to the church was not properly watched by a certain secular boy, who indiscriminately permitted canons and lay brothers to enter when it was dark to talk with the nuns and sisters, though the custom had previously been for a trustworthy and active lay brother to watch the door." Canons and lay brothers are hardly the same thing as clerks and



chaplains. The convent, however, was long known as a nunnery, and was governed by a prioress. Probably it was a mixed convent, like the abbey of Whitby in Bede's time or that at Coldingham. In Armagh the religious of both sexes lived together.

In the chancel of the parish church of Swine were sixteen grotesque folding seats, described by De la Pryme in 1700 as canons' seats, eight on each side, surmounted by canopies. Some of these, says Thompson, were scarcely consistent with decency. A few of the stalls yet remain. The governing body may have consisted of sixteen members, called the Sixteen, as at Heanor in Derbyshire, and Holme Cultram in Cumberland.<sup>1</sup>

In other cases the church of the nuns adjoined the *east* end of the parish church. It was so at Wilberfoss, about eight miles from York.<sup>2</sup> At Nun Monkton, seven miles north-west of York, is a small but very beautiful Early English church. It consisted till late years of a nave and west tower, the chancel having been entirely destroyed, but a new chancel has been lately built. A small nunnery of the Benedictine Order was founded here in the reign of Stephen, and the prioress is described as rector of the church. It is fair to assume that the chancel was the nuns' church, and that it was destroyed in consequence of the Reformation.

After the advowson of a parish church had been given by its owner to a monastery, monks in numerous instances established a cell at the church, which thenceforth became partly parochial and partly monastic. In such a case the monks usually took the eastern limb or chancel, whilst the parish had the nave and aisles, a dead wall separating the two divisions of the building. Such arrangements often gave rise to disputes, and even to riots, on account of the encroachments which the monks were constantly making on the rights of the parishioners.

<sup>1</sup> Thompson's *Church and Priory of Swine*, 1824, *passim*; *Monasticon*, v. p. 493; Bilson in *East Riding Antiquarian Society's Transactions*, iv. pp. xx. f.; *Testamenta Ebor.* (Surtees Soc.), i. p. 309, ii. p. 97; Poulson's *Holderness*, i. p. 386; De la Pryme's *Diary*, p. 226; Bede, *Hist Eccl.*, iv. 26; *Derbyshire Archæological Journal*, xxxii. pp. 152-170.

<sup>2</sup> *Yorkshire Archæological Journal*, ix. p. 204.



Such a dispute arose at Wymondham, in Norfolk, in 1249. The prior and convent of that town were the owners of the choir or eastern limb of the church, and they as rectors presented the vicar of Wymondham, who is described as having the cure of souls, to the Bishop of Norwich. The parish church was in the western part, and had its own entrance from the public street, as the monks had theirs in the eastern part of the building. The dispute arose out of a claim by the archdeacon to visit the parish church, and the result was that his right to do so was established by Papal authority.<sup>1</sup> Architecturally the parish church and the monastic church formed one continuous whole under the same roof. And yet, says Freeman, they were "so distinct in point of possession and use that the archdeacon had jurisdiction in one part of the building and not in the other."

Another dispute, of a more serious kind, arose at Wymondham in 1409. In 1408 a new prior and a new vicar had been appointed, and in the July of the following year the prior sought security of the peace against twenty-four of the principal inhabitants of the parish, the churchwardens being among them, and on a Sunday the judge of assize bound them over to keep the peace. But in the December of the same year a number of these persons seized the prior's charnel house. Others of the parishioners, by orders of four of their number, cut down the trees growing in the churchyard and took them away, and they entered the parish church, and boarded up the two doors next to its high altar to prevent the prior and convent exercising any rights there. These doors are now walled up, but the arched passages to them still remain open on the eastern side of the wall within the tower. On the last day of December certain persons violently attacked the prior's tower, as was alleged, at the west end of the church, and broke open an old staircase which had been stopped up with stones and mortar as well with the assent of the prior as of the parishioners, and removed the

<sup>1</sup> *Gesta Abbatum Sancti Albani*, i. pp. 335-60; Freeman's *English Towns and Districts*, p. 339.

materials. The western tower, however, belonged to the parishioners, and not, as the prior said, to him. On the vigil of the Epiphany the prior and convent were violently assaulted, and on that day could not solemnise mass or any divine service. On the preceding 25th of August William Grout had assaulted a chaplain in the parish church and taken his vestments from him. By an order dated 1411 the tower and bell-chamber at the west end were renovated by the parishioners, who agreed to close all apertures therein opening into the church, except holes for bell-ropes, so that the sound of the bells should not disturb the monks when at prayer. The parishioners also were directed not to ring the bells before six in the morning nor after six in the evening, when the monks went to rest. Before the removal of the monastic part of the church the tower which now stands at the east end was a central tower, and in its thick west wall there are two small low passages, passing obliquely through the masonry, which are now stopped up, and which once formed a communication between the parochial part and the monastic part of the building.<sup>1</sup> In these passages were the two doors already mentioned.

According to Freeman the dispute of 1409 was settled in the following way. "The monks took the choir and the transepts, with the tower which stood immediately west of the crossing, together with the south aisle of the nave. The parishioners had the nave and the north aisle; they also built a tower at the west end. The abbey tower in the middle formed a complete barrier, with a dead wall, between the eastern and western parts of the church. At the dissolution, the parishioners bought the south aisle and the abbey tower. They did not buy the choir and transepts; these therefore were destroyed, and only some ruins are left."<sup>2</sup>

The various acts charged against the parishioners and churchwardens of Wymondham were no doubt assertions of their right to the control of their parish church and

<sup>1</sup> *Archæologia*, xxvi. pp. 289 f.

<sup>2</sup> Freeman's *English Towns and Districts*, p. 339.

cemetery, and the whole matter, instead of being, as represented, an attempted invasion of the prior's rights, "seems much more likely to have been the result of a long-continued and ever-increasing endeavour on the part of the prior to obtain and secure the exclusive control over the entire church and cemetery."<sup>1</sup> When the founder gave the church and rectory to the priory he only gave the advowson and the greater part of the tithes, and the parishioners retained the rights in the nave, aisles, tower, and churchyard which they had enjoyed before. In the hope of saving his soul, and the souls of his forefathers and successors, the owner of an advowson might establish a community of monks as rectors, and as owners of the eastern limb of a church. But we have evidence that in such cases the parishioners, whose souls were not thus provided for, resented the intrusion of the monks for centuries. The cutting down of the trees in the churchyard was especially intended as an assertion of the rights of the parishioners, for the preamble of a statute, passed in 1307, states that disputes frequently arose between rectors of churches and their parishioners as to the ownership of trees in the churchyard, each party claiming them as their own. Accordingly the statute forbids rectors to cut down trees in churchyards, except for the repair of the chancel, but declares that such trees could be used by the parishioners for the repair of the nave. The priory was founded by William D'Albini, butler to Henry I, among his other gifts to it being the church and rectory of Wymondham. Hence the church is of earlier date than the priory. Since the quarrel of 1249 arose about a century afterwards it is probable that the parishioners resented the intrusion of the monks from the beginning.

Bishop Pecock, writing in the fifteenth century, said that when a church was appropriated to an abbey of nuns, the vicar of that church was vicar of the bishop, not of the abbess, who merely chose and presented him to the bishop.<sup>2</sup> These remarks would apply to any parsonage

<sup>1</sup> *Archæologia*, xliii. p. 264, where a plan is given.

<sup>2</sup> Pecock's *Repressor*, ii. p. 368.



in the patronage of a monastic house. Hence the vicar of Wymondham was no more the servant of the prior than the vicar of a modern church is the servant of his patron.

The church of the priory at Leominster, according to Leland, "was hard joyned to the est end of the paroch chirch, and was but a small thing." Here the choir and transepts which formed the priory church had been pulled down before Leland's visit, but their foundations have been dug up. The Latin will of Philip Bradford, dated 1458, speaks both of the "*ecclesia parochialis*" and the "*ecclesia monachorum*" at this place.<sup>1</sup>

In the churchwardens' accounts of Prestbury, in Cheshire, there is mention of a payment in 1637 for carrying forth timber and clay which were in the wall between the church and the chancel. The wall was therefore a timber partition, the church itself being of stone. The church had been appropriated to the monastery of St. Werburgh, in Chester, who kept the chancel in repair. The chancel is old, and one of its windows is of Early English design, dating back to the beginning of the thirteenth century. The side chancels of Snargate church, in Kent, are separated from the remainder of the church by timber and plaster partitions, not of recent date.<sup>2</sup>

A little before 1436 the monks of Sherborne, Dorsetshire, alleged that although there had been in the "body" of the church of the monastery from its foundation a font in which the infants of Sherborne were commonly baptized, yet certain persons erected another font in the lower part of the church, where the inhabitants used to hear divine service. They made this new font on pretence of the bells ringing to matins, and of the narrow entrance of the door in the wall (*murus intermediatus*) between the place of the parishioners and the body of the church. At the procession to the font at Easter and Pentecost<sup>3</sup> a contention arose between the monks and the townsmen, the

<sup>1</sup> Freeman, *op. cit.*, p. 342.

<sup>2</sup> Earwaker's *East Cheshire*, ii. pp. 185, 224, 239; Hussey, *op. cit.*, p. 150.

<sup>3</sup> "Before 1252 baptism was performed solemnly on the vigils of Easter and Pentecost in Tideswell church."—*Derbyshire Arch. Journal*, v. p. 153. For baptism in the chancel, see p. 253, *supra*.



monks desiring that the font should be removed to its ancient place. This was not opposed, but a bishop, to whom the dispute was referred in 1436, ordered the bell to be rung to matins after the sixth hour, and the font to be restored to its ancient place. He also ordered the door and the entrance for the procession of the parishioners to the font to be enlarged, and a partition (*clausus intermedius*) to be made in the nave near the choir, that there might be a distinct separation between the monks and the parishioners. In Leland's account of this matter the lower part of the church is described as the chapel of All Hallows. A butcher, he says, dwelling in Sherborne, defaced the stone font, and in the quarrel which arose the townsmen were assisted by the Earl of Huntingdon's men, the Bishop of Salisbury taking the part of the monks. A priest of All Hallows shot a fiery shaft "into the toppe of that part of S. Mary chirch that divided the est part that the monks usyd from that the tounes menne usid : and this partition chancing at that tyme to be thakked in, the roffe was set a fier." The abbot prosecuted the townsmen for this injury, and they were forced to contribute to the rebuilding of the church. After this time All Hallows, and not St. Mary's, or the monks' part of the church, was used as the parish church.<sup>1</sup> Willis says that All Hallows was joined to the west end of the abbey, where are some remains of a building. It is now a ruin, while the minster forms the parish church. The monastery was founded by Bishop Roger in the first half of the twelfth century, and it was converted from the Norman style to the Perpendicular after the fire of 1436. The monastic part of the church was apparently an eastward extension of an earlier church called All Hallows.

The large church at Cartmel, Lancashire, was partly parochial and partly monastic, the two divisions being separated from each other by a wall.<sup>2</sup>

A good example of a divided church, of which much of

<sup>1</sup> Hutchins's *Dorset*, 1774, i. p. 335 ; ii. p. 383. The "body" of the church here means the eastern part of the building, which belonged to the monks.

<sup>2</sup> Stockdale's *Annals of Cartmel*, 1872, p. 548.

the history is known, is that at Dunster, in Somersetshire. There was a castle here when the Domesday Survey was made in 1086, but no church is mentioned, and the arable land was only sufficient for one plough. But a church was built soon afterwards. Between the years 1090 and 1100 William de Mohun, with the consent of his wife, granted the advowson of the church to the monks of St. Peter's at Bath, together with valuable property in the neighbourhood, his avowed desire being that they should "build and raise the church of St. George."<sup>1</sup> The existing church is for the most part in the Perpendicular style, but the bases of the piers which carry the central tower, and the two shafts with capitals at the east end of the nave may, says Sir H. C. Maxwell Lyte, be with all probability referred to the early part of the twelfth century. Moreover, a recent "restoration" of the building has brought to light a large Norman doorway under the window at the west end. The eastern part of the church was destroyed in the thirteenth century, and was replaced by a handsome chancel in the Early English style. Leland, writing about 1504, and after the dissolution of the monasteries, remarks that "the hole chirch of the late priorie servith now for the parochie chirch. Aforetymes the monkes had the est parte closid up to their use." About 1419 the parishioners seem to have been collecting money for a new central tower, and in 1443 a contract was made between the parish and a builder for its erection. About eighty years later a controversy arose about the rights and emoluments of the vicar, and in 1498 the arbitrators decreed that the eastern part of the church should belong exclusively to the monks, and that the parishioners should make a new chancel for their vicar in the eastern part of the nave. Thus the eastern and western parts of the building became distinct and separate churches, the transepts and the tower being apparently treated as common to the monks and the parishioners alike. Fresh disputes arose before long, and in 1512 the Bishop of Bath and Wells ordained

<sup>1</sup> " Ut æclesiam beati Georgii præsul et monachi ejusdem ædificent et exaltent."

that the vicar of Dunster should receive a pension of £4 a year from the revenues of the priory, together with some small rents and emoluments. The bishop also ordained that the vicar should sit at table with the monks in their refectory, and partake of all their meals, free of charge.<sup>1</sup>

Early in the twelfth century William de Lovetot, by consent of his wife and children, founded a priory at Worksop. By the foundation charter he gave to it, "in the first place the whole *capellaria* of his whole house, with the tithes and oblations: afterwards the church of Worksop in which the canons are, with the lands and tithes and everything belonging to the same church." At the same time he gave to the priory all his churches of the lordship of the Honour of Blythe, these being seven in number, and also part of another church.<sup>2</sup> The priory church at Worksop was both parochial and conventual. Of this large building only the west end or parochial part, with its two towers, remains, the conventual part being destroyed or in ruins. It was a noble church, with spacious choir, transepts, and nave, the latter being "probably from the first appropriated to the use of the parishioners, as it to this day continues. Of the early appropriation of this part to the use of the parishioners we have an evidence in an admonition addressed to them by Archbishop Greenfield, A.D. 1312, and still preserved in the archives at York, in which he charges them to repair the north-west tower of their church. . . . It is evident also that they had a distinct churchyard of their own." The monastic church was separated from the parish church by a wall built across the western arch of the central tower. The aisles of the nave seem also to have been separated from the transept by walls. The conventual buildings were on the north side of both limbs of the divided church.<sup>3</sup>

<sup>1</sup> Sir H. C. Maxwell Lyte's *Dunster and its Lords*; Freeman, *op. cit.*, pp. 348 f.

<sup>2</sup> "Imprimis totam capellariam totius domus suæ, cum decimis et oblationibus: deinde, ecclesiam de Wirkesop in qua cononici sunt, cum terris et decimis et omnibus rebus ad ecclesiam eandem pertinentibus, &c."—*Journal of British Archaeological Association*, xxx. p. 160.

<sup>3</sup> *Op. cit.*, pp. 283 f. An excellent plan is given.



Lincoln Minster was, from its foundation in the time of William the Conqueror, a divided possession between the chapter and a body of parishioners.<sup>1</sup> The existence of an earlier church on the site of the minster appears from the words of Domesday, where we are told of "St. Mary of Lincoln in which is now the bishopric." This was the church of St. Mary Magdalen, of which we hear much in the chronicles. John of Schalby has preserved the most interesting fact that the nave of the minster, or part of it, remained, after the cathedral was built, the parish church of St. Mary Magdalen. In other words, Lincoln Minster was from the beginning a divided church, the patronage and jurisdiction of the parochial part being however in the chapter, and not in the bishop. But in the time of Bishop Oliver of Sutton (1280-1299) it was alleged that the ministrants in the cathedral church were disturbed by the coming in of the parishioners. Accordingly the bishop, with the consent of the chapter and the parish, "built a certain chapel in honour of St. Mary Magdalen in the yard of the said cathedral church, at a suitable distance."<sup>2</sup> There all parochial ministrations were to take place, except baptisms and burials. The church of St. Mary Magdalen is a small building just outside the western entrance to the close or minster yard.

There was a parish church in the nave of Rochester Cathedral. The patronage of the parochial altar of St. Nicholas in the cathedral, with the chapel of St. Margaret belonging thereto, was granted by Bishop Gundulph in the eleventh century to the monks of Rochester, and the parishioners and monks seem to have lived together in peace till 1312. In that year the monks removed the parochial altar, and consequently a quarrel arose between the parishioners and them. Terms, however, were made between the contending parties. It was agreed that any mass celebrated with musical note by the vicar of the said "place" was only to be sung on the four principal feasts of the year, namely, All Saints, St. Nicholas, the Nativity of

<sup>1</sup> Freeman, *op. cit.*, p. 347.

<sup>2</sup> *Giraldi Cambrensis Opera*, vii. pp. lxxx.-xcix., 209.



the Lord, the Purification of the Virgin, and on Sundays These masses were sung at the altar in the lower part of the church, beneath the pulpitum, or screen separating the nave from the choir. All other services were to be performed without musical note. Nothing was to be erected or placed about the parochial altar which would in any way disgrace or dishonour the cathedral. If the vicar wished to preach the word of God to the parishioners at the four chief feasts, or even on Sundays, he was to do this after he had celebrated his mass, but not before. On ordinary days and feasts no mass was to be celebrated at the altar beneath the screen, nor were services to be said in the lower part of the cathedral, or nave, unless they were said without music. It was further agreed that when the monks should cause a suitable church to be erected for the parishioners outside the cathedral, and when the parishioners should voluntarily remove to that church they must continue there without laying claim to any rights of possession, or whatever right they might have, or pretend to have beneath the screen, or in any other place whatever within the doors of the cathedral church. To this agreement the prior and chapter affixed their common seal, and the parishioners procured the common seal of the city of Rochester and caused it to be affixed, the whole community of the city assenting.

A separate church for the parishioners was not, however, built until 112 years later, though we may be sure that in the meantime the monks would do their best to get the parishioners out of the cathedral. In 1418 the bishop, with the consent of the prior and chapter, gave permission to the parishioners to continue the building of a church which they had begun on the north side of the cathedral yard. After the completion of the building, the altar of St. Nicholas was to be removed thereto, together with all the parishioners and their rights, and the repair and maintenance of the church were to fall on the rector, as the vicar was afterwards to be called, and the parishioners, "according to the laudable custom of the Church of England," and not on the cathedral, or the prior and chapter. An annual

pension of 40s. which had long been paid by the vicar to the prior and chapter was to be continued, and the bishop was to have the power of collating the rector. The prior and chapter, on the one hand, were not to hinder the parishioners in the completion of their work, and the parishioners, on the other hand, were not to molest or annoy the prior and chapter. In 1421 the church was not yet finished, and, a dispute having arisen, the matter was referred to the arbitration of the Archbishop of Canterbury, who ordered that the parishioners should complete the church in three years, the order being confirmed by the parishioners under the common seal of the city. In 1423, at a solemn meeting held in the nave of the cathedral, the vicar of St. Nicholas, together with the churchwardens and parishioners, renounced all the rights which they had, or pretended to have, at the altar of St. Nicholas in the cathedral, and afterwards the new church was dedicated. As the numerous documents show, the removal was not effected without a great deal of trouble.

Notwithstanding the removal, disputes between the monks and the citizens of Rochester still continued. In 1447 the bailiff and citizens obtained a new charter from the king, in which, as the bishop and monks said, they had caused to be inserted divers liberties anciently granted to the cathedral, and had included the whole cathedral within their boundaries, threatening to infringe the rights of the cathedral, and molest its ministrants. Moreover, contrary to the agreement which had been made, it was alleged that the citizens had begun to build a new porch on the land of the cathedral in the highway which led from the city to the cathedral. The citizens promised to remove this porch, and in 1448 a compromise was entered into between the bishop and the monks on the one part and the citizens on the other, substantial concessions being made on both sides. One of the terms was that the bailiffs of Rochester should have the right, by their sergeants, to carry the mace into their parochial church, and also into the cathedral and cathedral yard, especially on feast days processions, and solemn sermons, or at the installation of

bishops. They were not, however, to levy execution, make arrests, or do anything pertaining to their official duties, within the precinct of the monastery or of the bishop's palace, unless specially requested to do so by the bishop and prior. The sergeants could also carry a sword into the same places, and at the same times, if thereafter it should please the king to create a mayor with such a symbol of office.<sup>1</sup>

Adjoining the north side of the nave of Ely Cathedral once stood the parish church of the Holy Trinity, which, becoming ruinous, was entirely pulled down soon after the Reformation. To supply its place a beautiful oblong building, which had been erected between 1321 and 1349, and which was entered from a door in the north transept of the cathedral, was in 1566 assigned by the dean and chapter for the use of Trinity parish, and in 1662 the exterior of the north aisle of the cathedral was re-cased. This church had formerly been known as the parish church of St. Cross, and was consecrated in the time of Bishop Langham, who was promoted to the see in 1362.<sup>2</sup>

The western or parochial part of the abbey church of Pershore, Worcestershire, was dedicated to the Holy Cross, the chancel, crossing, and a part of the nave to the east of the parochial reredos forming the conventual church of the monks. The church of the Holy Cross was an appropriation of the monastery.<sup>3</sup> There was a parish church, dedicated to St. Gregory, in old St. Paul's; in 1286 its clerk received from the dean and chapter a weekly allowance of two-thirds of a pint of beer.<sup>4</sup> In 1114 the Abbot of Crowland established a cell at Freiston, near Boston, where a church already existed. The cell was known as the Priory of St. James, and after the dissolution of the monasteries it remained in the hands of the Crown until about 1687. The priory church adjoined the east end of the parish church, and a view of the building as it appeared

<sup>1</sup> Thorpe's *Registrum Roffense*, pp. 545, 560, 563, 568, 575.

<sup>2</sup> Bentham's *History and Antiquities of the Conventual and Cathedral Church of Ely*, 1771, pp. 162, 225, 286-7.

<sup>3</sup> *Journal of British Archaeological Association*, xxxii. pp. 30 f.

<sup>4</sup> *Domesday of St. Paul's*, cxxiv. p. 174.



in 1820 shows the remains of two of the pillars of the priory tower, and fragments of arches springing towards the east. The parochial church appears to have been separated from the monastic church by a stone wall.<sup>1</sup>

The church at Llantwit Major, Glamorganshire, is a very long building, the eastern part of which consisted of a monastic church, with nave, aisles, and chancel, and the monks had also an engaged tower at the west end of the nave. To the west of the tower is the parochial church, which, as recent excavations prove, stands on the site of a pre-Norman building. Adjoining the west end of the parochial church is another building, fancifully called the Lady Chapel, and close by it flows a stream.<sup>2</sup>

At the dissolution of monasteries the monastic part of a divided church was sold to a purchaser, who exercised his right of dealing with it like any other property. He could pull it down, or sell it for old building material, or let it go to ruin. In most cases he stripped the lead off the roof and pulled it down, and that accounts for the existence of so many churches of which the eastern part has gone and the western part is still used as a parish church. Sometimes, however, the purchaser did not pull the monastic part down. Either he sold it to the parishioners, or gave it to them. At Dorchester, near Oxford, Richard Beaufort bought the east part of the church for £140, and in 1554 gave it to the parish by his will, on condition that the parishioners should not sell or alienate it without the consent of his representatives.<sup>3</sup> This church is of great length in proportion to its breadth.

In many cases the history of chancels which had belonged to monasteries as appropriators is obscure. At Dronfield in Derbyshire, for instance, nobody seems to have been willing either to purchase or repair the chancel, for a commission sitting in the reign of Elizabeth found that it was in great ruin and decay, and frequented by

<sup>1</sup> Thompson's *Boston*, 1820, pp. 323 f.

<sup>2</sup> *Archæologia Cambrensis*, 3rd Series, iv. p. 33; 5th Series, xvii. p. 129; 6th Series, v. p. 242.

<sup>3</sup> Addington's *Dorchester*, 1845, pp. 98, 104.



choughs and crows.<sup>1</sup> After the dissolution the choir of the monastic part of the church at Cartmel stood roofless for about eighty years, as was indicated by the weather-worn tops of the monks' stalls. There was a "town choir," or "parish choir," which was not left unroofed.

It must not be inferred from what has been said that monastic churches were in all cases attached to parish churches; they were often built on sites where no church is known to have existed. Sometimes, however, we find a monastery built quite near to a previously existing church. Thus the parish church of Easby, near Richmond, Yorkshire, is about fifty feet to the south-east of the monastery there. Here a house of Premonstratensian canons was founded in 1152, one of its earliest possessions being the parish church, which existed long before the foundation of the monastery. The canons of Easby had their own church within their monastic buildings.<sup>2</sup> At Evesham the chapels of St. Lawrence and All Saints, which were used by the inhabitants of the town, were within a few yards of the site of the abbey. The parish church of Whitby is close to the abbey.

<sup>1</sup> Addy's *Beauchief Abbey*, pp. 124 f.

<sup>2</sup> *Yorkshire Archaeological Journal*, x. p. 118.

## CHAPTER XX

### THE INFUSION OF MONACHISM (*continued*)

THAT village communities and the governing bodies of cities regarded monks as unwelcome intruders is shown by the violent and long-protracted quarrels which often arose between them. There was a very serious conflict in 1272 between the citizens of Norwich and the monks of the priory, "for which," says Dr. Jessopp, "there remains little room for doubting that the priory was almost wholly to blame." Rancour and malice had long subsisted between the priory and the city, because the priory, as was alleged, had invaded the liberties of the city. In this year one of the prior's party slew one of the citizens, and the bishop, taking the side of the monks, laid the city under an interdict. "Encouraged by the bishop's support, the prior hastened to introduce a force of armed ruffians into the cathedral close, and the citizens retaliated, goaded to frenzy by the outrageous provocation they had received. On the 9th of August the citizens attacked the belfry tower of the monastery, which stood close to the present Ethelbert gate, and from its proximity to the city liberties afforded a post of vantage from which the monks could harass and annoy the townsmen. Favoured by an accidental fire which broke out at the time, the townsmen got possession of the tower, slew thirteen of the defenders, and did serious damage to the monastic buildings. The cathedral itself appears to have escaped injury, but the church of St. Ethelbert, and, unhappily, the convent archives, with much else that was within reach of the flames, were destroyed. The catastrophe created a great sensation. The King came down to Norwich to institute a solemn inquiry, and the Pope issued a bull upon the subject. At

least thirty poor creatures were hanged and their bodies burned."

The same spirit of hostility which existed between the monks and citizens of Norwich in 1272 was manifested again in the treatment which the clergy received in 1642. In that year, as Bishop Hall tells us, the organ pipes, vestments, copes, and surplices of the cathedral, and the service books and singing books that could be had, were carried to a fire in the market-place and burnt. The cathedral was filled with musketeers, "waiting for the mayor's return, drinking and tobacconing as freely as if it had turned alehouse."<sup>1</sup> There were no monks then, but the old feud had not been forgotten.

Already in the reign of King John popular dislike of the monastic orders and of the clergy had become so strong that the king, by way of reply to the papal interdict of 1208, "ordered all property of bishops, clerics, and religious men, and all ecclesiastical goods, throughout the whole kingdom, to be confiscated, and sent his ministers, both clerical and lay, into every county to confiscate the goods of the churches. Accordingly they went through the country, and seized the real and personal property of the clergy, both within and without, committing the care of those things to the neighbours of every town, from whose hands the clergy should receive out of their own property the necessary supplies. In some places they even put locks on the barns of the clergy."<sup>2</sup> Another historian says that these properties were put into the hands of the constables.<sup>3</sup> But four years afterwards John submitted to the Pope. Here we may trace the beginning of the movement which more than three hundred years later culminated in the Reformation.

In 1346 the church of Ullingswick, near Bromyard in Herefordshire, was occupied and defended by certain unknown persons who prevented the priests and clerks of the church from celebrating mass, baptizing infants, and burying the dead. Thereupon the bishop ordered the

<sup>1</sup> *Willelmi Rishanger Chronica*, p. 72; Jessopp's *Norwich*, pp. 97, 198.

<sup>2</sup> *Annales de Waverleia*, p. 260.

<sup>3</sup> *Annales de Dunstaplia*, p. 30.

vicar of Great Cowarne to go to the church, and, if he could get in, promulgate the sentence of excommunication against those unknown persons, both there and in other churches of the neighbourhood. This was to be done by elevating the cross, lighting candles, extinguishing them, and then throwing them on the ground. We are not told why the church was thus occupied by an armed force. But three years later the abbess and convent of Elstow released to the bishop all their claim to the advowson of this place,<sup>1</sup> and the living is a rectory to this day. Hence the occupation of the church by an armed force was probably due to an objection by the parishioners to the interference of a nunnery with their church.

In 1229 an assessment of taxes to be paid to the Prior of Dunstable caused such a fury among the people that, in their hatred of the monks, they withdrew their tithes and offerings. At a funeral, or the purification of a woman, they only offered a penny. They let the fabric of the church go to ruin. They blasphemed and threatened the monks and their servants, and spread false charges against them throughout England. They published a notice in the church that none of the burgesses should grind at the prior's mills. They threw the prior's tithe corn, as it came by the accustomed ways, upon the ground, and took his horse into their custody. At the prior's request the Bishop of Lincoln excommunicated them, yet they did not cease from their anger and malice, but boasted that they were excommunicated, and said they would rather go to hell than pay the tax. They even treated with a neighbouring landowner, and asked him to grant them forty acres in a field near the borough, to which they could remove their tents (*tabernacula*), and where they could live free from tallage and toll.<sup>2</sup>

Both Leland and Drake mention the great animosities which existed between the mayor and citizens of York and the abbot and convent of St. Mary in that city about their respective jurisdictions and privileges. The annals

<sup>1</sup> *Register of John de Trillek* (Canterbury and York Society), pp. 99, 157.

<sup>2</sup> *Annales de Dunstaplia*, pp. 121-2.



of the convent mention a violent affray between them in 1262, when the citizens slew several of the tenants of the abbey, burnt many of their houses without Bootham-bar, and attempted to destroy the abbey itself. Abbot Simon bought his peace at the price of a hundred pounds; but, terrified by the extraordinary insults of the townsmen, he left the convent for more than a year, not returning to it until Christmas 1264. The citizens had denied the right of the abbot and convent to hold a fair in free burgage in Bootham. They said that the street of Bootham was a suburb of the city. The dispute continued for a long time, but in 1343 an agreement was made in which it was declared that Bootham was in the jurisdiction of the mayor and citizens.<sup>1</sup>

Monks who tried to obtain possession of rectories by unlawful means were sometimes forcibly ejected. On the death of the rector of Fairford, in Gloucestershire, in A.D. 1231, the monks of Tewkesbury sent members of their society to protect their right, if they had any, in that church, and retain it for their own use. With that object in view they approached the Bishop of Worcester, who decided against them, and said that a certain Frederick was parson of the church. Notwithstanding the bishop's order the monks took possession of the church, and about a month afterwards, acting, it is said, on behalf of the bishop and others, Frederick came to the church very early one morning with a multitude of armed men, broke the doors, and beat the monks unmercifully in the church. And then, turning them out into the churchyard, the parson's men trampled on them, and gave them such a thrashing that they hardly escaped with their lives—a thing which, says their historian, "had not been heard of since the death of the Blessed Thomas of Canterbury."<sup>2</sup>

Much of the grotesque, or rather satirical, ornamentation often found in English churches has been regarded as an expression of hostility to the religious orders. In the great window of one of the aisles of St. Martin's

<sup>1</sup> *Monasticon*, iii. p. 538; Drake's *Eboracum*, pp. 256, 575, 581, 595.

<sup>2</sup> *Annales de Theokesberia*, pp. 81-3.

church, Leicester, there was still depicted, in 1730, a fox preaching to geese, and under it a Latin perversion of the text, Phil. i. 8, thus: "God is my witness how I long after you in my bowels." Mr. North regards this as a satire on the monks, between whom and the parish priests there was such constant and bitter warfare.<sup>1</sup> He ought rather to have said that the warfare was between the monks and the parishioners. A folding seat in Beverley Minster shows a cowed fox preaching to geese. At Utterby, near Louth, a richly canopied south door has carvings between the mouldings of a fox and goose, a monkey carrying off a child, and a man leading a monkey. There is a bench end carved with the figures of seven monkeys in the church of Halton Holgate, near Spilsby. Villagers who disliked monks seem to have represented them in the carved work of their churches as monkeys.

It is strange to find monks held up to ridicule in the chapter-house of a cathedral. The capitals of the marble pillars of the chapter-house at York are full of grotesque figures of men and beasts. In Drake's time (1736) the verger used to show to visitors the figure of an old bald-pated friar, hugging and kissing a young nun very amorously in a corner. Round the capitals of the adjoining pillars were several faces of other nuns peeping, laughing, and sneering at this wanton dalliance. In another place there was a friar shoeing a goose.<sup>2</sup>

Such satirical representations of monks are not confined to British churches. On a capital of the triforium gallery of the Lombard Cathedral of Pavia there is a carving in which "two wolves are being taught by an animal which may be either an ass or a sheep. All three of the animals are clad in the gown and cowl of a monk. The teacher threatens the others with a rod. One of the wolves turns his head away in disgust; the other, more docile, holds an open book on which is the legend, *Est monachus factus lupus hic sub dogmate tractus*."<sup>3</sup> Can we wonder that St. Bernard, the "mellifluous doctor" who

<sup>1</sup> North's *Chronicle of St. Martin's Church, Leicester*, p. 31.

<sup>2</sup> Drake's *Eboracum*, p. 477.

<sup>3</sup> Cummings, *op. cit.*, i. pp. 178, 180, 193.

founded more than seventy monasteries in the twelfth century, should have denounced such carvings, or that the Popes should have hated the Lombards? "In the cloisters," writes this saint, "right under the eyes of the brothers as they read and meditate—what business there have these ridiculous monstrosities, this indecent magnificence, and this magnificent indecency? What business there have these foul apes, these savage lions, these monstrous centaurs, these tigers, these fighting men, these hunters blowing horns? . . . So various and marvellous are the things here set forth that many think it pleasanter to read the marble than the written book, and will rather spend the whole day over this than in studying the law of the Lord." "The Lombard," says Mr. Cummings, "found no delight in the contemplation of saints and angels, of prophets and martyrs." This absence of Biblical subjects, and these secular, grotesque, and satirical carvings show that the monastic element was not the dominant element. Long after the fourth century the monks had only gained a "corner" in the churches.

## CHAPTER XXI

### TOWERS AND BELLS

IN the sixteenth century the parson of Wharton, in Cheshire, laid a complaint against a man because he had kept a garrison of men in harness in the church steeple, and had used the church as a kitchen, roasting meat in it.<sup>1</sup> In the fifteenth century the arms of communities were kept in the steeple.<sup>2</sup> The account books of parish churches often mention church armour. At Hartland, in Devonshire, the church armour consisted of calivers, muskets, pikes, daggers, corselets, and morions.<sup>3</sup> During a time of war watchmen were posted for weeks together in the church towers, with horns to give warning if a foe approached.<sup>4</sup>

The tower of Bedale church, near Richmond in Yorkshire, the three lower stages of which are said to date from the period 1330-1340, "is the most striking feature in the exterior view of the church. It is 98 feet in height to the top of the pinnacles, and of very massive proportions. It is indeed of quite unusual strength; it is provided with all the accommodation which would be required in a state of siege. . . . Internally the lower stage of the tower opens to the nave by a very fine and lofty arch of three orders continuous, rising from moulded bases and broken by a moulded abacus in the form of a string course. The stage is covered by a quadripartite vault with bold chamfered ribs and wall ribs, the key of the vault itself consisting of a horizontal circle of masonry, held in position at a height of 30 feet above the floor by the mutual pressure of the vaulting, the

<sup>1</sup> *Pleadings in the Duchy Court of Lancaster*, iii. p. 241.

<sup>2</sup> *Green's Town Life in the Fifteenth Century*, i. p. 153.

<sup>3</sup> *Historical MSS. Commission*, v. p. xvii.

<sup>4</sup> *Green, op. cit.*, i. p. 129.



effect being rather striking. In the south-east angle is a semicircular headed doorway, opening to the newel stair. This was protected by a portcullis, the groove of which can still be seen. The existence of the portcullis itself was not suspected until it fell, about the year 1830, from the effects of a stroke of lightning. The second stage of the tower is a complete living room of the period. The western and southern windows have stone seats on either side, such as are found in all mediæval castles, as at Durham, Aydon in Northumberland, &c. The rear arches of the windows, which have pretty little cusps in their lower portions, show that the windows were closed internally by wooden shutters. In the north wall is the recess of the fire-place, near the eastern angle; and between it and the same angle is a semicircular headed doorway opening into a garde-robe, contrived in the thickness of the wall. At a height of 10 feet from the original floor is a range of stone corbels which carried the beams supporting the floor of the next stage. The floor is now gone, but the evidences show that the living room was about 11 feet in height."<sup>1</sup> It is probable that the living room in the tower was intended for the occupation of one or two watchmen.

The tower of Cartmel church, Lancashire, embattled always, was a place of defence and a retreat in case of incursions by the Scotch or other enemies. In 1374 the priest of Harpham church, in the East Riding of Yorkshire, obtained leave to fortify the belfry of his church.

Some church towers were used as sanctuaries, in which the criminal who sought refuge from vengeance might protect himself, and in which he might live during the time allowed to him to stay there. In 1716 the inhabitants of the parish of Tingwall, in Shetland, had a tradition among them that after one had received sentence of death upon the Holm he obtained a remission, provided that he made his escape through the crowd of people on the water side, and touched Tingwall steeple (tower) before any could lay hold on him. "This steeple," says Martin, "in those days

<sup>1</sup> H. B. McCall's *Notes on the Church of St. Gregory, Bedale*, 1908, pp. 6-8.

was an asylum for malefactors and debtors to flee into.”<sup>1</sup> Across the principal entrance to the church of Cockington, near Torquay, is a huge oaken beam by which the door could be barred on the inside. The door of the tower could also be barred, and at the bottom of it a square aperture has been cut, through which it has been supposed that food, water, fuel, and other necessities could be passed. A chamber in the tower has a fire-place and latrine. “Doubtless,” says the present vicar of Cockington, “many a hunted man has passed within the shelter of the chamber and barred himself in.” The tower of the church of Mackworth, in Derbyshire, has no west door, and the entrance to it is by a large door in the tower arch. This door opens inwardly, and when closed is secured on the inside by a large beam of wood, for which provision is made in the thickness of the wall, the beam having to be pushed back into the bolt-hole before the door can be opened.<sup>2</sup> In A.D. 955 a number of persons tried to break open a Welsh church in which a man had taken refuge.<sup>3</sup>

In 1284 a London goldsmith, who had wounded a man in West Cheap, fled to the church of St. Mary of the Arches, or St. Mary-le-Bow, which was so named from the arches which supported its steeple. But certain friends of the wounded man, entering the church by night, killed the goldsmith, *as he lay in the tower of the church*, and suspended him from a window, as if he had hanged himself. At the inquest it was found that he had hanged himself, and therefore he was dragged by the feet outside the city, and buried in the ditch. But soon afterwards a boy, who was with the goldsmith in the hour of his death, but had hidden himself through fear, told the truth. Accordingly a woman who was the instigator of the crime, and sixteen men with her, were imprisoned; afterwards they were all drawn by horses, and the woman was burnt. The church was interdicted by the archbishop, and its door and windows stopped up with thorns. The goldsmith was fetched from the

<sup>1</sup> *A Description of the Western Islands of Scotland*, 1716, p. 383.

<sup>2</sup> F. J. Robinson in *Derbyshire Archæological Journal*, xi. pp. 175-7.

<sup>3</sup> *Book of Llandaff*, p. 476.

place where he lay, and buried in the churchyard by the clergy. Another historian says that the friends of the wounded man bribed the custodian of the church that he should be absent on a certain night.<sup>1</sup>

The fugitive who took refuge in a church could stay there forty days, and must have obtained food and other necessities of life in the building. In 1209, venison having been found in the house of one Hugh le Scot, he fled to a church in Shropshire, refused to leave it, and lingered there a month. Afterwards he escaped in a woman's clothes.<sup>2</sup> When Hugh de Burgh was deprived of his office of justiciar in 1232 he betook himself to the chapel of Boisars, in Essex, where he was besieged by a military force, who surrounded the chapel by a palisaded rampart, like that of a castle. At length, as his supply of food was getting small, and the end of the forty days was approaching, he resolved to leave the chapel, and was taken to the Tower of London.<sup>3</sup>

There is a fire-place, built of old tombstones, on the first floor of the tower of Middleham church, Yorkshire. Inside the tower of the ruined church at Overstrand, near Cromer, a few feet from the level of the floor, there is a small square recess in the wall, with a kind of flue rising from it into the tower. There is an exactly similar one in Lamberhurst church, Kent. In the tower of Bradeston church, Norfolk, is one of the most perfect remains of a fire-hearth and tunnel; the tube is carried to the height of about eight feet, without any internal or external projection from the otherwise solid rubble walls, and the aperture on the north face is without the slightest embellishment. In the tower of Ranworth church, Norfolk, is a hearth of precisely the same kind, but the flue, if it exists, is no longer to be detected. At Battlefield, where the memorable battle of Shrewsbury was fought, the second floor of the ancient church tower has a fire-place within the thickness of the wall, with an opening to let off the smoke

<sup>1</sup> *Annales de Dunstaplia*, p. 314; *Annales de Wigornia*, p. 489.

<sup>2</sup> *Select Pleas of the Crown* (Selden Society), xiii. p. 9.

<sup>3</sup> *Annales de Dunstaplia*, pp. 129, 137-8.



outside the western window of the bell-chamber.<sup>1</sup> There is a chimney in the tower of Bedlake church, Yorkshire. The tower of Clifton church, Richmondshire, was erected for defence. On the first story above the ground is an arched apartment. Beneath are a fire-place and a latrine in the wall, and the masonry of the former bears marks of fire.<sup>2</sup> The square plain tower of the parish church of Rugby was apparently constructed for defence, as it can be entered only from within the church; the lower windows resemble loop-holes. There is a fire-place within the tower, with a flue in the thickness of the wall. In 1446 the churchwardens of Yatton, Somersetshire, paid for setting the "femerell," or chimney, in the "stepyl" (tower).<sup>3</sup>

The tower of Great Salkeld church, Cumberland, has only one entrance, and that is from the inside of the church; the door is iron-clad, and fitted on the inside with stout bars. In 1704 Bishop Nicholson said that the tower seemed to have been designed as a habitation for the rector, and mentioned a good cellar and several chimneys within.<sup>4</sup> Here the town armour was placed. Under the aisle of the church are chambers. There are other examples of fortified church towers at Newton and Melsonby, Yorkshire. The tower at Melsonby has been described as a Norman keep in miniature. There are fortified church towers at Edlingham and Long Houghton, Northumberland. In that part of Glamorganshire known as Gower, twelve of the sixteen churches have towers evidently built for defence. The exterior doors, where they occur, are usually insertions.<sup>5</sup> At Norton, near Sheffield, the only outer door leading into the tower, obliterated in the "restoration" of 1882, was about six feet above the ground, on the south side, and the tower is ascended by ladders.

In each of the churches of St. Paul, St. Gwinear, and St. Burian, in Cornwall, all built on high land, the staircase turret is carried considerably above the parapet, and it has

<sup>1</sup> *Notes and Queries*, 9th Series, xii. pp. 308, 354; 2nd Series, x. pp. 186, 257.

<sup>2</sup> Whitaker's *Richmondshire*, ii. p. 75.

<sup>3</sup> *Churchwardens' Accounts of Croscombe, &c.* (Somerset Record Society), p. 84.

<sup>4</sup> *Miscellany Accounts of the Diocese of Carlisle*, p. 123.

<sup>5</sup> Clark's *Mediæval Military Architecture*, i. p. 114.



been suggested that these towers were used as beacons.<sup>1</sup> The towers of many of the parish churches in Northumberland and Cumberland were used for the purposes of defence ; upon some of them a beacon used to be placed.<sup>2</sup> The church of Buckminster, Lincolnshire, stands in a commanding position, and on its Early English tower there was formerly a beacon ; the circular chimney of the watcher's hut, or chamber, can still be seen at the north-west angle.<sup>3</sup>

The church tower may even form a stronghold in the city wall, as at Bristol, where St. John's Gate is in the tower of St. John's church.

In the tower of Tamworth church is a curious double staircase, one staircase communicating with the outside and the other with the inside of the building. Two persons may ascend or descend at the same time without seeing each other, provided that they take different stairs. Why the staircase was made double is unknown.

The church at Burgh-by-Sands, near Carlisle, is an ancient fortified stronghold. "On any inroad from the Scottish border the cattle were shut up in the body of the church, and the inhabitants betook themselves to the large embattled tower at the west end. The only entrance to this tower is from the inside of the church, and it is secured by a ponderous iron door, fastening with two large bolts. The walls of the tower are 7 feet thick. Its lowest compartment is a vaulted chamber lighted by three narrow slits in the wall. At the south angle is a spiral stone staircase leading to two upper chambers."<sup>4</sup>

Although the writers just quoted describe certain church towers as places of defence, they were mainly watch-towers and inland lighthouses. There is no doubt, however, that they were used, when necessary, as places of refuge against danger, and as strongholds.

In 1525 the town council of Aberdeen resolved to have

<sup>1</sup> Blight's *Churches of West Cornwall*, 2nd ed., p. 172.

<sup>2</sup> Raine's *Priory of Hexham*, i. p. 12.

<sup>3</sup> Murray's *Handbook for Lincolnshire*, 1903, p. 82.

<sup>4</sup> Murray's *Handbook to Westmorland, &c.*, 1867, p. 86.

the tower of the Tollbooth and that of St. Nicholas church watched daily, and the watchmen were to ring the bell when they saw any persons come riding to the town. Five years later they resolved that four watchmen be appointed, two for the tower of the Tollbooth and two for that of St. Nicholas church. There the watchmen were to remain every day as long as daylight lasted, and to take note what manner of persons, on foot or on horseback, came to the town, the number of such persons, and the way by which they came. The watchman in St. Nicholas tower was to have a waif (flag) or two. If he saw a man riding to the town he was to give two knells, or as many knells as he thought there were persons advancing. If there were so many that he could not count them, he was to ring continually. When the watchman in the Tollbooth heard him ring continually and fast, he was to toll the common bell until the townsmen had put on their armour. And the watchman in St. Nicholas tower was to put his flags towards that part of the town to which he saw the men coming, so that it might be known what "port and art" of the town they approached.<sup>1</sup>

The largest bell at Hexham Priory, weighing as much as seventy hundredweight, "was called the fray bell, and was rung specially when there was an alarm, particularly of a foray or inroad."<sup>2</sup>

When a church was built in a deep valley the tower was sometimes perched on a neighbouring height, as at St. Feve and elsewhere in Cornwall. At Henllan, near Denbigh, the tower, or rather the steeple, is built on the top of a hill, and looks down upon the church, which stands in the valley at its foot. The tower of Kirkoswald church, near Penrith, stands on an adjoining hill from which the bells can be heard at a great distance. Obviously these towers were built on hills to enable watchmen to see as much as possible of the surrounding country, or to enable a lantern to be seen from afar.

In 1576, there being a great alarm of an attack by sea,

<sup>1</sup> *Burgh Records of Aberdeen* (Spalding Club), i. pp. 112; 446.

<sup>2</sup> *Raine's Priory of Hexham*, ii. p. xlix.

two of the common councilmen of Great Yarmouth were to watch in the church steeple, one before noon, the other in the afternoon, and those who refused were to be fined or committed to prison. In 1798, when an invasion was feared, the churchwardens of St. Nicholas were provided with a red flag which if hoisted was to be repeated from every church tower in the country to communicate an attempted landing as rapidly as possible.

In 1666 the Duke of Buckingham ordered a turret of wood, covered with lead and glazed, to be erected on the top of the great central tower of York Cathedral. This was to put lights in to serve as a beacon for alarming the country in case the Hollanders or French, with whom the English were at war, should attempt to land on our coasts. The tower itself was called the lantern steeple.<sup>1</sup>

Two round towers, similar in plan to the Irish round towers, are shown on the well-known plan of the monastery of St. Gall, in Switzerland, made in the first half of the ninth century. . . . In the Latin description on the plan they are said to be intended for observing the whole country round (*ad universa superinspicienda*). In other words, they were intended to enable watchmen to see, among other things, the approach of enemies. They were not built for religious purposes.

This agrees with what Dr. John Lynch, who lived in the reign of Elizabeth, said about the Irish round towers. He said that they were intended not as bell-towers but as watch-towers from which a wide view of distant objects might be obtained, and that afterwards, when the custom arose of hanging bells in their summits, they became serviceable as bell-towers.<sup>2</sup>

"It is difficult to believe," says Miss Stokes, "that the first great towers near the churches of Ravenna and Ireland were merely, or even primarily, intended for hanging large bells at their summits. Even could the existence of very large bells at so early a period as the Carolingian period be proved, the towers themselves of

<sup>1</sup> Drake's *Eboracum*, p. 487.

<sup>2</sup> *Cambrensis Eversus*, p. 133, in Petrie's *Ecclesiastical Arch.*, p. 5.



Ravenna and Epinal, as well as those in Ireland, are not so constructed as to show that their primary object was for the emission of sound, or its transmission over a very wide tract of country. The apertures at the top are much too small. But the bells of the eleventh century, both on the Continent and in Ireland, were generally small and light. Only after the year 1200 did they begin to make them of any great size."<sup>1</sup>

The Irish, Scottish, and English round towers, and also the round towers of East Germany, are of plain stonework. All have four small windows in the topmost story, usually facing the cardinal points, and probably intended to enable a watchman to watch the country on every side, or to contain a lantern. Not only are there old detached church towers in various parts of England, but there are detached circular towers.<sup>2</sup> According to Miss Stokes, the position of the Irish round tower was almost invariably about twenty feet to the north-west end of the church, and its door always faced the church. In the Bayeux "Tapestry" we have a picture of Harold brought by Duke William to his palace at Rouen. The palace is a long building, with an arcade round its upper story, like that on the so-called Saxon church at Bradford-on-Avon, and at one end of it is a detached tower from which a watchmen perceives the safe return of the Duke and his retinue.<sup>3</sup>

It is true that Giraldus Cambrensis speaks of the Irish round towers as "ecclesiastical towers which, after the fashion of the country, are slender, high, and round." But the iron doors, fire-places, and latrines of not a few English church towers are a strong presumption that the Irish towers, like them, had nothing to do with religious services. Passages in the *Annals of the Four Masters* and other Irish historians stating that certain *cloictheachs* or bell-houses, with their bells, books, treasures, and the people in them, were burnt by the Danes in the tenth century, and later,

<sup>1</sup> *Early Christian Architecture in Ireland*, p. 77.

<sup>2</sup> Some are engraved in *Archæologia*, xiii. pp. 10 f.

<sup>3</sup> Fowke's *Bayeux Tapestry*, p. 48.



do not prove that the round towers were built for religious purposes. Even if we admit the trustworthiness of these historians, their statements only prove that in times of danger priests, like others, deposited their valuable goods in them.

Petrie's statement that the Irish towers "are never found unconnected with ancient ecclesiastical foundations," and that Christian emblems are carved on some of them, is no proof that they were built for religious purposes. He says that they "were designed to answer at least a twofold use, namely, to serve as belfries, and as keeps, or places of strength, in which the sacred utensils, books, relics, and valuables were deposited, and into which the ecclesiastics, to whom they belonged, could retire for security in some cases of sudden predatory attack." But he says that they "were probably also used, when occasion required, as beacons and watch-towers," and he observes that "there are some historical evidences which render such a hypothesis extremely probable."<sup>1</sup>

The same writer remarks that many of the remaining doorways of the Irish round towers "exhibit abundant evidences of their having been provided with double doors" for the purpose of preventing forcible entry. An iron door, says Miss Stokes, "was in existence to a late date in the tower at Iniscaltra." Viollet-le-Duc believed that the Irish round towers were lighthouses or lanterns, intended to announce to travellers during the night the presence of an abbey or church.

Many church towers were undoubtedly used as beacons or as lighthouses. There was a *pharus*, or beacon-tower, called the lantern, at the Irish monastery of St. Columbanus in Burgundy. It was useful, said Mabillon, to those who frequented the church by night.<sup>2</sup> Attached to the north-east angle of Blakeney church, Norfolk, is a narrow lofty tower, with windows at its summit facing the cardinal points. The church overlooks the sea.

<sup>1</sup> Petrie, *op. cit.*, pp. 2, 3, 361. The round towers are regarded as watch-towers and keeps in Miss Hull's *Early Christian Ireland*, 1905, pp. 206-216.

<sup>2</sup> *Iter Germanicum*, in Petrie, *op. cit.*, p. 380.

In a tower erected before the western entrance of the old church at Winchester, and consisting of five stories, in each of which there were four windows looking towards the four cardinal points, lights were kept burning every night.<sup>1</sup> The tower of the church at Haddington, a building of the thirteenth century, is known as the Lamp of Lothian.

On the summit of the tower of Great Weldon, or Weldon-in-the-Woods, is a "lantern," formerly used for lighting wayfarers through Rockingham forest on dark nights.<sup>2</sup> The wooden chandelier and wooden candlestick are now lit up on Christmas Eve and New Year's Eve.

On the west face of the church tower at Royston, near Barnsley, a little below the bell-chamber, is a projecting window which old inhabitants describe as the lantern, and say that a light was burnt in it. Above the west window of the tower of Crowle church, Lincolnshire, is a circular opening, said to have been used for a beacon. Lanterns were placed on the top of the steeple of Bow church, London, "and lights in them placed nightly in the winter, whereby travellers to the city might have the better sight thereof, and not to misse their wayes."<sup>3</sup>

The church of All Saints at York has a lantern very much resembling that on the summit of St. Botolph's church, Boston, "and tradition tells us that anciently a large lamp hung in it which was lighted in the night time, as a mark for travellers to aim at, in their passage over the immense forest of Galtree. There is still the hook of the pulley on which the lamp hung in the steeple."<sup>4</sup>

The ancient seal of Winchelsea contains a representation of a church tower on the top of which a man is standing, holding a lantern in his right hand. Behind him is a flag.

In 1751 Sir Francis Dashwood built a lighthouse on the summit of Lincoln Heath to guide wayfarers over that

<sup>1</sup> Lingard's *Antiquities of the Anglo-Saxon Church*, in Petrie, *op. cit.*, p. 379.

<sup>2</sup> Murray's *Handbook for Northamptonshire*, 1901, p. 115.

<sup>3</sup> Stow's *Survey of London*, ed. 1633, p. 269.

<sup>4</sup> Drake's *Eboracum*, 1736, p. 292.

desolate waste. It is called Dunston Pillar, and rises to the height of a hundred feet. In the days when the country was far more lonely than it is now, and when great moors and forests intervened between one village and another, a lighted tower standing on high ground, or built to a considerable height, must often have been of great service. It will be noticed that church towers are highest when they stand on low ground and the surrounding country is flat. The spire of Salisbury Cathedral, in the flat district of Salisbury Plain, is the highest in England. When a church stands on a hill a spire is unusual.

After hearing that church towers were used for such purposes as lighthouses and watching-places, the reader may be surprised to learn that some of them contain considerable numbers of pigeon-holes. It has lately been ascertained that the church tower at Sarnesfield, Herefordshire, contains about 108 nesting-holes, evenly distributed on all the four walls. They are of the usual size, namely, six inches by six at the entrance, slightly enlarging inside. Between each tier is an alighting ledge of stone from two to four inches thick. "The church," says Mr. George Marshall, who made the discovery, "must have been erected between 1200 and 1250. The tower bears every evidence of being coeval with the church, and of having been erected at one period, including the pigeon-holes. The walls are on the average three feet thick, and the holes are constructed in the thickness of the wall. The interior of the tower is eight feet square." These observations are confirmed by Mr. Alfred Watkins, author of an essay on *Herefordshire Pigeon-houses*. Mr. Watkins says: "I have climbed up amongst the bells to inspect the nest-holes, and can confirm the fact that they are true nest-holes built at the same time as the tower. . . . It seems to me very probable that other instances exist which have not been recorded, because those whose occupations take them among the bells are not familiar with the appearance of nesting-holes, and regard them as putlock holes."<sup>1</sup>

<sup>1</sup> *Transactions of the Woolhope Club*, 1902-4, pp. 263 f.

The interior of the church tower at Collingbourne Ducis is constructed to serve for a pigeon-house. Giraldus Cambrensis, who was born about 1147 in Pembrokeshire, tells us of one at the church of St. David at Llanfor in Breconshire. The church of Hellesdon, near Norwich, is described by J. H. Parker in 1851 as having a wooden pigeon-house bell-cote on the west gable. There is a pigeon-cote on the top of the round tower at the west end of Portpatrick church, Wigtownshire.<sup>1</sup> The ancient pigeon-house, however, was usually near the church, as at Penmon in North Wales.

In 1388 a man went into the gallery (*le Alures*) of a bell-tower at Ensham, in Oxfordshire, to catch pigeons, and by mischance fell into the choir of the church, and was killed.<sup>2</sup> In the story below the bell-chamber of the tower of Gumfreston church, near Tenby, there are from forty to fifty nesting-holes for pigeons. The use of a tower as a pigeon-house seems hardly consistent with its use as a watch-tower, or an inland lighthouse. Yet there is an ancient pigeon-house, said to be coeval with the rest of the building, on the top of the keep-tower of Conisborough Castle, in Yorkshire, where watch must have been kept.

Near the top of the circular church of Bornholm, in Denmark, runs a line of pigeon-holes.<sup>3</sup> At an augmentation of the vicarage of Kingston-upon-Thames in A.D. 1375 it was agreed by the impropriating monastery that the vicar should have the pigeons or other birds bred in the church or chapels. In 1566 the churchwardens of this place paid for hanging nets and stopping windows to keep the pigeons out of the church.<sup>4</sup> The roof of the choir of St. Edmund's church, Salisbury, was ceiled within, and there were three lattices for keeping out the pigeons.

In 1670 the churchwardens of Wilmslow, in Cheshire, "paid for a new door to set up in the top of the steeple to keepe forth the Piggens (pigeons) from fowleinge the

<sup>1</sup> *Reliquary* (New Series), v. p. 121.

<sup>2</sup> *Coroners' Rolls*, ed. Gross (Selden Soc.), p. 94.

<sup>3</sup> Marryat's *A Residence in Jutland, &c.*, ii. p. 348.

<sup>4</sup> *Surrey Archæological Collections*, viii. pp. 33, 100.



church." In 1675 they paid for a net to keep them out of the church, and three years later they spent twopence "for shott and powder to kill the pigeons in the church."<sup>1</sup> In 1545 the churchwardens of Hedon, near Hull, paid 16*d.* "for beyemefellynge the dove cotte."<sup>2</sup>

Mr. Marshall suggests that pigeons were kept in church towers for the use of "the lord of the manor, as rectors and lords of manors had a monopoly in pigeons." If the church tower was the lord's pigeon-house, even though it were used, when necessary, as a watch-tower, we have another proof of the ancient identity of lord and rector, for it is well known that lords of manors had the sole right to maintain pigeon-houses. But the pigeon-house, as at St. Michael's, Bath, in 1435, sometimes belonged to the parish, and in 1506 the churchwardens of this place made a hedge and ditch round it. It was therefore a separate building. In 1490 the churchwardens paid a rent of 2*s.* for it, and this must have been a chief rent payable to the lord.<sup>3</sup> The dove-cote at Berwick, in Suffolk, was rented from the parson in 1622 for five pounds a year.<sup>4</sup>

In the provinces of northern Spain the church bell "is largely used, in spite of frequent clerical protests, to summon the *vecinos* (neighbours) to the village council, to the *obras de concejo*, repair of roads, cleaning of ditches, battue of wolves, fires, and pursuit of evil-doers, also to announce the arrival of the muleteer with his wine-laden drove, or even of the travelling veterinary or blacksmith. Some writers go so far as to assert that the cattle, far out on the common pasture, know the sound of the bell that summons them homeward for the night."<sup>5</sup>

About 1390 the town council of Northampton ordained "that at the ninth hour on every night and festival the great and more solemn bell of the church of All Saints should be rung by the sexton of the same church for the

<sup>1</sup> Earwaker's *East Cheshire*, i. p. 116.

<sup>2</sup> Boyle's *Early History of Hedon*, 1895, p. cxxxiii.

<sup>3</sup> *Churchwardens' Accounts of St. Michael's, Bath*, 1878, pp. xv, 73, 100.

<sup>4</sup> W. Johnson, *op. cit.*, p. 188.

<sup>5</sup> *Quarterly Review*, vol. 182, p. 491.

space of one hour, so that by the sound thereof whosoever chanced to be in the fields in the darkness of night might more quickly be able to reach the town, and that nobody, of whatsoever condition he might be, after the ringing of the bell was finished should be found wandering or lurking unless he carried a light with him, and had reasonable excuse, under the penalty of imprisonment, and paying a heavy fine according to the discretion of the mayor for the time being.”<sup>1</sup> The Statutes of the city of London, made in 1284, enjoin that no one should be found in the streets after curfew had rung at St. Martin-le-Grand. The same custom prevailed in France. Littré refers to a document of the thirteenth century in which it was ordered that people were to carry a lantern and a burning candle after curfew had rung. Du Cange quotes the Statutes of the city of Marseilles, which declare that nobody was to go through the city or suburbs, after the bell called Salvaterra had rung, without a light.

At Bristol in 1478 it was ordered that after the ringing of curfew nobody should go a-mumming at Christmas with a close visage, or without a sconce light in his hand.<sup>2</sup> A sconce, as Professor Skeat says, means “a concealed or closely covered light,” and he refers to the fact that in the *Promptorium Parvulorum* of 1440 the word is defined as “sconsa, vel absconsa, lanternula.” The French *absconse*, from the Latin *absconsus*, means, in Cotgrave’s words, “hidden, obscure, darke, secret, couert, lurking, concealed.” A sconce, or dark lantern, in which a candle was burnt, might well have been called a “cover-fire” or *ignitegium*, but there seems to be no example of the actual use of the word curfew, or its French equivalent, in that sense. At the manor court of Castle Combe it was ordered in 1602 that nobody should carry a candle or light by night in any barn or stable, under the penalty of forfeiting 10s. It was also ordered that nobody should carry fire in the public street or in any other place within the manor *unless it were protected from the force of the wind*, under the

<sup>1</sup> *Records of the Borough of Northampton*, i. p. 252.

<sup>2</sup> Nicholls and Taylor, *Bristol Past and Present*, ii. p. 161.

same penalty. At another court held in 1635 the jury ordered that nobody should carry uncovered fire (*ignem intectum*) in the streets, under the penalty of forfeiting 1s.<sup>1</sup>

In 1553 the corporation of Leicester ordered curfew to be rung nightly at nine o'clock from Michaelmas to Lady Day.<sup>2</sup> At Ashover, at the taking of the churchwardens' and constables' accounts in 1702, it was ordered that a man should begin to ring curfew at Michaelmas and continue until Lady Day. At Castleton, in Derbyshire, curfew is only rung in the winter months, namely, from the 29th of September to Shrove Tuesday. At Ledbury, in Hertfordshire, curfew is still rung during the winter months. Virtually "curfew-bell" means lantern-bell, and winter is the time of lanterns.

The regulations of old German towns provided that after nightfall and after the ringing of curfew (*Nachtglocke*), otherwise the fire-bell, or beer-bell, nobody should go into the street unless he carried, or caused to be carried, a burning light before him. Heyne seems to regard this as a means of lighting the streets.<sup>3</sup>

We learn, then, that, among other objects, curfew was rung, not as a warning to people to extinguish their fires, but as a monition not to go out into the streets after nightfall without a covered or protected light, otherwise a lantern. When old glossaries, like the *Promptorium Parvulorum*, explain curfew by the Latin *ignitegium* we must take that word to refer to the protection of a light by a lantern. There is no evidence that fires in houses were ever extinguished in obedience to communal regulations.

There is a tradition in Sheffield, where curfew was formerly rung at eight from Michaelmas to Shrove Tuesday, that a peal of bells was established in the church there "in gratitude by a wanderer who, belated on the moors beyond Ringinglow, was saved by hearing their sound wafted to him through the still midnight air."<sup>4</sup> The custom of

<sup>1</sup> Scrope's *History of Castle Combe*, pp. 334, 341.

<sup>2</sup> Bateson's *Records of the Borough of Leicester*, iii. p. 75.

<sup>3</sup> *Das deutsche Wohnungswesen*, p. 329.

<sup>4</sup> Leader's *Reminiscences of Old Sheffield*, 1875, p. 48.

ringing curfew in Sheffield during the winter months has been perverted to a ringing of bells on Tuesday evenings only. It is said that a traveller lost in the Forest of Arden was guided to Curdworth by the tinkling of a small bell, and vowed to the Virgin to give a bell which might be heard far and near.

In many parishes of Worcestershire "the clerk from time immemorial received a payment for ringing the harvest bell." A payment is recorded in the churchwardens' accounts of Louth, Lincolnshire, in 1556, "for knylling the bell in harvest for gathering of the pescods."<sup>1</sup>

At Coventry in 1468 the clerks of both churches (*i.e.* St. Michael's and Trinity) were ordered by the Court Leet to ring both day-bell and curfew, or pay twopence for every default.<sup>2</sup> One of the bells in St. Michael's church was inscribed with the lines :

"I ring at six to let men know  
When to and from their worke to go."

The day-bell at the church is mentioned in *Havelok the Dane* about A.D. 1280. Another bell in St. Michael's church, called the common bell, was inscribed thus :

"I am and have been call'd the common bell  
To ring when fier breaks out to tell."

The common bell was the heaviest in the peal.<sup>3</sup> Both bells are dated 1675. As late as the sixteenth century the tower of this church was illuminated by a lantern which seems to have been suspended from the roof.

In 1569 the town council of Aberdeen ordered that the sacristan of their parish church should cause the great bell called Nicholas to be tolled at four o'clock in the morning and the little bell called the "skellat" at eight o'clock in the evening, in order that servants and "craft of childer" might be warned to go to their work and leave in due

<sup>1</sup> *Notes and Queries*, 9th S., iii. p. 31; Andrews, *Curious Church Customs*, p. 45.

<sup>2</sup> *Coventry Leet Book*, ed. Harris (E.E.T.S.), p. 338.

<sup>3</sup> Sharp's *History and Antiquities of Coventry*, 1871, p. 66.



time.<sup>1</sup> The bell at Cerne Abbas, says Hutchinson, in 1777, tolls at eight at night and four in the morning all the year round.

A bell still rings at Malton, Yorkshire, at six in the morning and six in the evening, and curfew is rung at eight. The same custom is observed in the church of St. Michael, Spurriergate, York. At Great Yarmouth curfew is still rung at eight in the evening, and there, at the close of the thirteenth century, it was ordered that no wine be drunk after that bell had rung. At Tamworth a bell is rung every week-day morning at six o'clock, and curfew is rung at eight. Day-bell and curfew are rung at Totnes. The last-named bell is still rung at many places in England. At South Tawton, Devonshire, in 1664, curfew was rung at eight in the evening and the day-bell at four in the morning,<sup>2</sup> thus allowing eight hours for sleep.

These morning and evening bells were the signals, in days when clocks were scarce, for rising from sleep and going to bed, and their place is now supplied in some manufacturing towns by the steam horns which tell the workman when it is time to work and when to cease.

After the chapel at Marton, near Swine, East Yorkshire, was pulled down, about 1740, a bell was left hanging in a pear tree near the site of the building, and for some time it was rung morning and evening.<sup>3</sup> At Gisburn, in the West Riding of Yorkshire, the curfew-bell was long hung in a fine sycamore near the church. A bell at Dorrington in Lincolnshire, now in the church, was formerly rung from a tree in the village. In 1577 William Harrison mentions a bell at Norwich which was suspended from an oak for want of a steeple.

Church bells were rung by the authority of the governing bodies of towns. In 1497 the Court Leet of Coventry fixed the sums to be paid at the ringing of funeral bells. If the friends of the deceased wished to have a peal rung on all the bells the fee was to be 2s., of which 1s. 8d. was

<sup>1</sup> *Burgh Records of Aberdeen*, i. p. 366.

<sup>2</sup> Miss Lega-Weekes in *Transactions of the Devonshire Association*, xli. p. 362.

<sup>3</sup> Thompson's *Priory of Swine*, 1824, p. 205.

to go towards the repairs of the church, and 4*d.* to the clerks. If it was desired that four bells should be rung, the fee was to be 1*s.* 4*d.*, namely, 1*s.* for the church, and 4*d.* for the clerks. With regard to this order Miss Harris says that the church affairs of Coventry were "evidently managed by the corporation."<sup>1</sup>

In many places the church bells were rung to summon the town council. Thus in the steeple of St. Nicholas' church, Newcastle-on-Tyne, hung the great bell, which was used for municipal purposes. It called the burgesses together on Michaelmas Monday to elect their mayor; it proclaimed a general holiday at noon on Shrove Tuesday, and the opening of the great yearly fair.<sup>2</sup>

<sup>1</sup> *Coventry Leet Book*, p. 585.

<sup>2</sup> Rendel's *Newcastle-on-Tyne*, 1898, p. 7.

## CHAPTER XXII

### THE OWNERSHIP OF MANORIAL CHURCHES

WHEN Norton church, in Derbyshire, was "new-pewed" in 1820 the available space was allotted to the owners of ancient messuages in the parish, portions of the west end of the nave and of the west and north galleries being reserved for "the public." The chief landowner got the greatest number of pews, and so in proportion as to the lesser owners. The allotment was made to the owners of ancient messuages whether those owners were members of the Church of England or not, and whether they resided in the parish or elsewhere. The pews were of various sizes, and were lined with cloth of different hues. They were known by the names of the houses to which they were attached. The Hazelbarow pew, for instance, belonged to the owner of that house, though he resided in a distant county. The chief landowner was a Unitarian, and had a chapel of that denomination in his park. In 1882, when a "restoration" took place, all these pews were swept away.

The case just described resembles thousands of others. One of the effects of the modern "restoration" of an ancient church is to impair the evidence of private ownership in pews. At Norton the owners of pews submitted without opposition to the apparent extinction of their rights. But at an earlier time, and before the practice of "restoration" had become general and fashionable, they might not have submitted so quietly. People had been taught to think that what everybody was doing must be right, and most of them were ready to believe the men who told them that the titles to their pews were bad. But it sometimes happened that the owners did not submit

quietly to the introduction of the so-called free and open system. In one case the opposition was so great that, in order to establish this innovation, a new church had to be built. At Marple, in Cheshire, "the pews in the old church are annexed to the surrounding farm holdings, but for various reasons have ceased to be occupied by the tenants, and the rights therein could not be seized by the incumbent. This led to the building of the new church. In the old church the pews are owned, but not occupied. In the new church they are occupied, but not owned."<sup>1</sup>

At Lonan, in the Isle of Man, the names of the *estates* are painted on the doors of the pews, not the names of the families occupying them.

In 1884 the late vicar of Ecclesfield wrote thus: "In this, and in several of the old churches in the neighbourhood, pews have been held as private property, and they have gone through the market, like any saleable possession, or been bequeathed by will; and I have been repeatedly asked to alter the owner's name in the 1826 award of sittings, when these have changed hands by purchase. On several of the doors of such pews as remain in the church the locks still exist by which the little enclosure was kept empty, when its owner was not there; and when he occupied it he could turn the small button inside which precluded the admission of a stranger."<sup>2</sup> The locking of pews was not modern; in one place they were locked in 1467.<sup>3</sup>

The reservation of seats for *the public* is a comparatively recent innovation. Non-parishioners had no more right to be seated than they had to depasture their cattle on the common land of the parish.

Although the landowners of a parish had the sole right to pews in their church, yet changes in the ownership of land, and the rise and fall of families, often led to a readjustment. Thus at Adisham, in Kent, the archbishop's commissary found in 1605 that "some of the meaner sort"

<sup>1</sup> Arthur Mayall in *Notes and Queries*, 9th Series, vii. p. 518.

<sup>2</sup> Gatty's *A Life at One Living*, p. 183.

<sup>3</sup> *Ludlow Churchwardens' Accounts* (Camden Soc.), p. 174.



sat "in the highest pews," whilst others of better ability were placed very low. He also found that some claimed to themselves rights in seats by prescription. Accordingly he gave instructions that five of the parishioners should "place and displace" as many seats as they thought fit, so that every man might be seated "as beseemeth his degree and wealth," and the following order<sup>1</sup> was drawn up :

"An order set down by Thomas Denn, Richard Austen, Thomas Redwood, John Quilter, and William Baldock, parishioners of the parish of Adsham, touching the placing of the parishioners of the said parish, in the seats of the church there, by virtue of our commission, or letter directed to them, from the right worshipful Mr. Doctor Newman, Commissary.

[*South Side*]

1. Behind the pulpit in the chapel there on the south side of the church, in a seat builded by Mr. Henry Oxenden, Esquire, the wife of Martin Fotherby, parson of Adisham, as in a seat belonging to the parsonage there. Nevertheless in the absence of the said Mr. Fotherby's wife, or of his successors' wives, the wife of the farmer of the farm of Bosington, Mr. Oxenden, or Mistress Oxenden herself, if she chance to repair to the said church, may sit in the said seat.

2. On the said south side of the said church, next to the quire there, the said Thomas Denn, as in a seat belonging to his house, and by him builded there.

3. Next to the said seat, the wife of the said Thomas Denn, as in a seat belonging to his house, for his wife, and by him builded.

4. In the first seat next to the pulpit, John Quylter, as in a seat belonging to his house.

5. In the second seat on that side, Thomas Nott, and the farmer of Garrington, Sir Henry Palmer, Knight, as in a seat belonging to their houses.

<sup>1</sup> *Canterbury Diocesan Gazette*, Oct. 1899, article by Mr. Hussey, to whom the writer is obliged for a copy.

6. In the third seat on that side, Edward Piper, and Thomas Murton, as in a seat belonging to their houses.

7. In the fourth seat, the farmer of Bossington, Mr. Oxenden ; and the farmer of Ilding, Mr. Denn, as in a seat, belonging to their houses.

8. In the fifth seat, William Reade and James Reade, as in a seat belonging to their houses.

9. In the residue of the old seats there, the parishioners of the parish, as they have used heretofore.

[*North Side*]

1. On the north side of the church there, Richard Austen, as in a seat belonging to the Court Lodge of Adsham, builded by Valentine Austen, farmer thereof.

2. In the chapel in the said north side, William Baldocke, as in a seat belonging to his house made by old Richard Austen.

3. Next to that seat, the wife of the said William Baldocke, as in a seat belonging to the said house.

4. In the first seat in the said north side of the body of the church, the wife of Richard Austen, as in a seat belonging to the said Court Lodge of Adsham.

5. In the second seat, the wife of John Quylter, as in a seat belonging to his house.

6. In the third seat, the wife of Thomas Nott, as in a seat belonging to his house, where he dwelleth.

7. In the fourth seat, the wife of Edward Piper, as in a seat belonging to the house of John Taylor, and the wife of the farmer of Garrington, Sir Henry Palmer, as in a seat belonging to his house.

8. In the fifth seat the wife of William Gouldfinch, and the wife of Mr. Ratcliffe, as in a seat belonging to their houses.

9. In the seat next unto the pillar on the north side of the said church, the wives of William and James Reade, as in a seat belonging to their houses.

10. In the next seat to that, the wife of the farmer of Ilding, Mr. Denn, and the wife of the farmer of

Bosington, Mr. Oxenden, as in a seat belonging to their houses.

11. In the residue of the old seats on that north side, behind the church door, the parishioners of the said parish as they have used heretofore."

Here it will be seen that, in every case where an allotment was made, the parishioner is described as occupying a seat belonging to his house, and that where no fresh allotment was made, the parishioners occupied their old seats. No provision was made for the public.

In 1585 at a meeting held in the church of Kingston-upon-Thames it was ordered that the seats in the church should be altered, and the parishioners be placed in the order of their degrees and callings. At this meeting the bailiffs of the town, as well as the churchwardens, were present.<sup>1</sup> In the same year there were "wardens of the pews or chairs" at St. Columb, Cornwall.

In 1907 certain landowners in Claverley, near Bridgnorth, petitioned the Consistory Court of the Diocese of Hereford to have seats allotted to them in lieu of the pews and seats of which they had been deprived on the occasion of the "restoration" of the church of that village. The grandson of one of the allottees under an allotment made in 1834 declared that he was entitled to forty-two seats. The allotment was said to have been made under a faculty, but no such document was produced, and no copy of it was forthcoming. Counsel for the vicar and churchwardens remarked that "if seats were allotted to all the allottees on the basis of the old allotment it would swallow up all the seats in the body of the church. Poor people would be prohibited from going to church, for the whole of the church would be monopolised by the landowning class."<sup>2</sup> Here, as elsewhere, the pews belonged to the owners of ancient messuages in the parish.

Pews have long been advertised and sold like any other property. Thus, the *Christian World* of 17th July

<sup>1</sup> *Surrey Archaeological Collections*, viii. p. 103.

<sup>2</sup> *Birmingham Daily Post*, 31st May 1907.

1902 had the following paragraph: "A pew in Chertsey parish church is to be offered for sale in London tomorrow. At present it is let at £2 a year, but rated for poor-rate at £3 per annum. It is mentioned that 'the ownership of the pew carries with it a parliamentary vote for the county of Surrey.'"

On the recent sale of a Jacobean mansion called the Grange at Broadhembury, in Devonshire, there was a condition declaring that "the permanent and exclusive right over a pew in the church, with the customary nominal liability towards the maintenance of the roof immediately above it, will pass to the purchaser."

For the last two centuries, or more, pews have been expressly conveyed as appurtenances of messuages, and probably they would now pass under the general words of a conveyance. In 1702 a messuage in Prior Row, Sheffield, "together with all and every the seats, stalls, or pews in Sheffield church belonging to the said messuage" was conveyed to a purchaser in fee simple. In 1732 a pew in the loft under the bell chamber of the same church was conveyed to a purchaser, his executors, administrators, and assigns. In 1806 certain freehold estates in Sheffield were sold in lots, and these included pews which were conveyed to purchasers as freeholds. Some of the pews in the parish church of this town have fetched as much as £115 each.

It was also a common practice to convey seats in pews. In 1839 a man called Dyson, scissor grinder, conveyed to a grinder, his heirs and assigns, "all those five seats or sittings of and in a certain pew in the parish church of Sheffield" in the south gallery, the seats being marked by the letters C, D, F, G. The seats, we are told, "were awarded to Richard Yeomans, deceased, by the Commissioners appointed for allotting the new pewage in the parish church of Sheffield aforesaid, and were devised in and by the last will and testament of the said Richard Yeomans to his son William Yeomens, deceased, and have since become vested in the said William Dyson." In 1805, when the church was re-



seated, the pews were re-allotted by Commissioners for the purpose.

At Castleton, in Derbyshire, the pews still go with the old messuages, nominally if not legally. They are of old oak, some of them with elegant arabesque carving, and are marked with the names, or initials, of former owners. On one pew the initials R. H., J. S., and J. K. are carved, apparently at the same time, as if three different persons had been possessed of sittings in it. Most of the dates are of the seventeenth and eighteenth centuries, and they range between 1661 and 1823. All the pews are in the nave.

In the sixteenth century the custom of the church of Houghton, in Durham, was declared to be that no parishioner in that parish could build any stall in the church, or take any away, without the licence and consent of the Twenty-four and the churchwardens. In 1625, at another place, "the rouses in the stalls," meaning the seats in the pews, were apportioned or set out by the governing body called the Twelve. In 1578 the mayor and corporation of Doncaster ordered that a certain lady should sit in the place which the churchwardens had appointed for her. Down to recent times it was the duty of the mayor of Totnes, who traditionally represented the head of the Guild in that town, to assign seats to the inhabitants in the parish church. Seats or sittings were assigned in this church as early as 1260, some of them being purchased.<sup>1</sup>

The judges have laid it down that in order to establish a title to a pew it must be shown to have been from time immemorial an appurtenant to a certain *messuage*, not to lands. A seat in church cannot be claimed by prescription as an appendant to land, but to a house.<sup>2</sup> The *messuage*, meaning originally the plot on which the house stood,<sup>3</sup>

<sup>1</sup> *Depositions from the Courts of Durham* (Surtees Soc.), p. 106; *Durham Parish Books* (Surtees Soc., No. 84), p. 87; *Doncaster Records*, iv. p. 9; *Historical MSS. Commission*, iii. p. 342.

<sup>2</sup> Phillimore's *Ecclesiastical Law*, p. 1804.

<sup>3</sup> A man, for instance, is said to have "*dimidium masagium cum domo*."—Thorpe's *Registrum Roffense*, pp. 534-5. Sometimes called *mensura*.

was in fact the source and the measure of all its owner's rights in the community, and it came in the end to mean the house itself. The Northmen called the messuage *tompt*, and we have the word as *toft*. Now there is an old maxim of Germanic law which declares that "the tomt is the mother of the field," meaning that the land follows the messuage.<sup>1</sup> Nothing is of more frequent occurrence in English documents than references to messuages divided into halves, quarters, and other parts, these shares being often accompanied by corresponding shares in the arable lands. A messuage often goes with a virgate of thirty acres, half a messuage with half a virgate, and so on. It is quite possible, and even likely, that the extent of a man's messuage determined the number of seats to which he was entitled in church. Thus at Halifax in 1762 a moiety of a "wood-stooded" messuage or dwelling-house, together with a moiety of a seat or pew in the parish church of that town, was conveyed to a purchaser.<sup>2</sup> Not only does this conveyance show that the right to a pew depended on the right to a messuage; it also enables us to see what became of the pew when the messuage was divided into two or more parts. It may certainly happen, said Mr. Justice Littledale, in consequence of a house having been subdivided, that three or four families may become entitled to use a pew belonging to the original messuage.

The acts of ownership which village communities, or their governing bodies, exercised over pews, and also the fact that pews were regarded as appurtenances of ancient messuages, are a strong presumption that manorial churches are the property of the shareholders in those communities, and their lord. Furthermore, these acts of ownership are inconsistent with an opinion, which is sometimes expressed, that the ownership of a pew presupposes a faculty granted in an ecclesiastical court.

But we need not rely on presumption. The *Welsh Laws*, ascribed to the tenth century, say that "the com-

<sup>1</sup> J. Grimm, *Deutsche Rechtsalterthümer*, 1854, p. 539.

<sup>2</sup> Ling Roth's *The Yorkshire Coiners, &c.*, 1906, p. 189.

munity and the parsons" are the owners of the church. "Some say," we are told, "that the relics and utensils of a church are not to be sworn to; the law says that they are; and that the community and the parsons are to swear to them, for, as *they are the owners of the church*, they are to swear to them."<sup>1</sup> The community were as much the owners of the nave, aisles, and tower of their village church as they were of the rights of common which they enjoyed. As regards pews, there was no difference between the Welsh and English usage. For instance, in 1661 the seats in the church at Llanghwm Uchaf, in Monmouthshire, were annexed to particular dwelling-houses or tenements.<sup>2</sup> It is a remarkable fact that at Hungerton, near Leicester, the tenants of each of the four manors in the parish still occupy their own quarter of the nave.

The men who built and repaired the body of the church and its tower were the owners of those parts of the structure. In 1273 the *cumulus* or roof of the Priory church at Dunstable was renewed at the cost of the parishioners.<sup>3</sup> The parishioners of St. Saviour, in York, built their church tower in 1458.<sup>4</sup> When the town of Hythe set up its new steeple in 1480 the money was subscribed by the twelve jurats and commons.<sup>5</sup> The parishioners of East Drayton, in Nottinghamshire, built the north aisle of their church in 1514.<sup>6</sup> In 1540 the steeple of Ulverston church, which rested on "a weak and delicate foundation," was blown down, and its fall destroyed the whole building. The Priors of Conishead had formerly appropriated the rectory, and it was then in the hands of the king, who was petitioned to grant timber from his lordship of Cartmel for rebuilding. On this occasion certain commissioners found "that the Priors of Conishead always used to maintain the chancel of the said church at their own costs, and the

<sup>1</sup> *Welsh Laws* (Record Office Publications), ii. 99.

<sup>2</sup> *Notes and Queries*, 9th Series, vii. p. 516.

<sup>3</sup> *Annales Monastici* (Dunstable), p. 257.

<sup>4</sup> *Test. Ebor.* (Surtees Soc.), ii. p. 274.

<sup>5</sup> *Hist. MSS. Commission*, iv. pp. i, 433.

<sup>6</sup> *Test. Ebor.*, v. p. 49.

whole parish upheld the rest of the church.”<sup>1</sup> In 1698 an arrangement was made between the impropiator of Hexham Priory and the inhabitants of Hexham by which St. Mary’s church was to be suffered to go into decay and the Priory church was to take its place; the impropiator taking upon himself the sustentation of the choir, and the parishioners of maintaining the other part of the church. The tower of Stockport church was rebuilt by the parishioners in 1617.<sup>2</sup>

In 1275 the township or village community (*villata*) of Graveley, near St. Neot’s in Cambridgeshire, obtained an order at the Court of the Fair of St. Ives that a certain mason should “pull down the whole of the wall between the church of Graveley and the chancel so far as the stone arch . . . and go on working day by day until the said wall shall be built up again, and the parishioners shall give him 3s. 2d. and from every house he shall have one garb of wheat after harvest.”<sup>3</sup> The order was made upon a complaint laid against the mason, and the point of interest is that it was the township which complained. Here we see that the parishioners, otherwise the township, were the owners of the body of the church, and that the chancel, which must have belonged to the lord, was so much a distinct building that it was separated from the body by a wall.

The chancel was known in the tenth century as *gescot*, the shot, or shut-off portion,<sup>4</sup> and it will be remembered that, in churches appropriated to monasteries, it was sometimes shut off from the rest of the building by a dead wall. But the monastery, in such a case, only acquired the portion which had belonged to the rector or lord, namely, the chancel, the parishioners holding their meetings and services in the other part of the building. That the chancel in these divided churches was the absolute property of the monastery is shown by the fact that, at the dis-

<sup>1</sup> *Pleadings and Depositions in the Duchy Court of Lancaster*, ii. p. 146.

<sup>2</sup> Wright’s *History of Hexham*, p. 55; Raine’s *Priory of Hexham*, i. p. 55; Earwaker’s *East Cheshire*, i. p. 361.

<sup>3</sup> *Select Pleas in Manorial Courts* (Selden Soc., vol. ii.), p. 150.

<sup>4</sup> *Cancellæ*, *gesceot*.—Wright-Wülcker, *Vocabularies*, 198, 17.



solution, it was sold, as we have seen, to the highest bidder. But it must not be supposed that duality of ownership was the result of appropriation to a monastery. It had existed from the beginning.

At Littleport, a village which lies about five miles north of Ely, the repairs of the church appear to have been done at the joint expense of the lord and the men of the vill, each contributing half. The parish consists of 17,000 acres, 16,000 of which are pure fen land, and in the thirteenth century the village was surrounded on almost every side by unlimited and undrained fen. The vegetable produce of the fen consisted almost exclusively of *lesch*, or sedge, which was mown and stacked, and highly valued. In 1325 the chief pledges, or headboroughs, of the court of the Bishop of Ely at this place presented that every tenant of a "full land," and every freeholder having as much as a "full land," might mow in the fen 6000 (*sic*) of sedge. If either a free or a bond man exceeded that limit he must give, according to the custom, 32*d.* to the lord and to the men of the vill for the repair of the church (*pro opere ecclesie*) in equal portions, *i.e.* one portion to the lord, and one to the men.<sup>1</sup> We may take it that the lord repaired the chancel, and the men the body of the church.

Architecturally the difference between the chancel and the body of a church is generally well marked. These two parts are often, perhaps usually, of different ages; their styles are not the same, and the chancel differs, as a rule, from the body in height and width. Moreover, the chancel is sometimes deflected from the nave. It is remarkable that in a York will of 1405 the chancel should be called *rectoria*, or rectory,<sup>2</sup> and still more remarkable that in another York will of 1483 it should be called the basilica of the church.<sup>3</sup>

A custom for the lord to maintain the chancel and the

<sup>1</sup> *The Court Baron* (Selden Soc., vol. iv.), pp. 107, 145.

<sup>2</sup> "Quantum ad reparationem cancelli seu rectorie ibidem, feci debitum meum." —*Test. Ebor.* (Surtees Soc.), iii. p. 29.

<sup>3</sup> "Et duos (torcheos) eorum lego ymagini B. Marię in basilica prædictę ecclesię, ad comburendum tempore missarum celebrandarum in prædicta ecclesia." —*Op. cit.*, p. 288.

community the rest of the building would be readily explained if we could admit that the whole fabric was a development of a large house, of which the inner part alone was the special property of the lord.

At Horlock, in Essex, there seems to have been a trace of that ancient house in which the family, or the servants, and the oxen occupied the body of the building, and the lord an adjunct at one end. There, in 1222, each hide of land was subject to the obligation of making the oxhouse, but not the adjunct, the lord's duty being to make the adjunct.<sup>1</sup> This custom is obviously analogous to that by which the community erected the body, and the lord the chancel, of a church, and is the more interesting because the building stood in a place where there was no church. We cannot say that this adjunct was ever inhabited, but we know that in the sixteenth century oxhouses in Yorkshire often contained beds, blankets, and mattresses. Moreover, we know that in the thirteenth century oxherds were expected to sleep with their oxen to guard them.<sup>2</sup> Now what was this adjunct (*culacium*) at Horlock? Du Cange says that *culata* means the extreme end of anything; the word is connected with the Spanish *cula*, or *cola*, the tail. The customs of Horlock differed from those of the other manors of St. Paul's, and they seem to have been more archaic. The chancel, then, may have originated in the chief's dwelling at the end of a great house. At all events, no other explanation of the well-known fact that the community maintained the body, and the lord the chancel of a church will bear examination.

Why the chancel was in the east is unknown. But it is worth noting that in an ancient Irish saga the king sat in the east of the royal house. During a dispute between Mongan, King of Ulster, who died in A.D. 620, and the poet Dallan Forgaill, a warrior came bounding upon the floor of the house. The poet, we are told, was in the west of

<sup>1</sup> "Debent facere bovariam ad suum proprium cibum, sine culacio, et dominus faciet culacium"—*Domesday of St. Paul's*, p. 48.

<sup>2</sup> Addy's *Evolution of the English House*, p. 82; W. Johnson's *Byways*, &c., pp. 456-7.

the house, with his face eastward to the king.<sup>1</sup> It will be remembered that in the Welsh royal hall the king sat at the upper end, with his back, however, to the screen (p. 17, *supra*).

In one case the obligation to repair the chancel was a consequence of the purchase by the landowners of the tithe. On the dissolution of the monasteries the great corn tithes of Crosthwaite, near Keswick, belonging to the abbot and brethren of Fountains, were forfeited to the Crown, and retained until the reign of Charles I, by whom they were sold to some merchants of London. They in turn disposed of them to certain parishioners of Crosthwaite as trustees, who divided them into portions for the convenience of selling over again to each person who was able and willing to purchase his own tithe, and merge it in his land. *Each of these purchasers agreed by his deed to keep his share of the chancel of the parish church in repair.*<sup>2</sup>

It is possible that in some ancient manorial chapels, such as Steetley Chapel, dual ownership did not exist, the whole building being the property of the lord.

Dual ownership of churches, as we have seen was the case at Wymondham, often led to quarrels and litigation. Nevertheless it was easy to separate the chancel from the body of the church by a screen or wall, when this did not exist originally, and it was the question of the ownership of the churchyard which led to the most serious disputes. An order of council made in 1307,<sup>3</sup> which has been already mentioned, begins by referring to the fact that frequent altercations arose between rectors of churches and their parishioners about trees growing in churchyards, both parties contending that they were the owners of such trees. The order was that rectors were not to presume to cut the trees down except when the chancel needed repair. On the other hand parishioners were only to be allowed to make use of the trees when the nave of the church needed

<sup>1</sup> O'Curry, *Manners and Customs*, i. p. ccel; iii. pp. 174-6.

<sup>2</sup> J. Broatch in the *Mid Cumberland and North Westmorland Herald*, 18th Feb. 1911.

<sup>3</sup> Rastell's *Statutes*, 1557, f. 56.

repair. Notwithstanding this order, we have seen that in 1408 the Twenty-four and the churchwardens of Wymondham cut down the trees growing in the churchyard of that place and took them away. In 1480 the Prior of St. Mary's in Coventry delivered a bill of complaint to the corporation of that town concerning injuries alleged to have been done to the convent. Among many other charges made against the corporation he said that the churchwardens had lopped the trees in the churchyard of St. Michael's, and erected a building therein. The trees and the soil of the churchyard, according to the Prior, belonged to him and the convent as rectors or appropriators. To this complaint the corporation, as if anxious to avoid a quarrel, replied that there were very few trees to lop, and if any had been lopped the vicar had done it. And as to the building in the churchyard they said that the ground on which it was erected was originally part of the highway, and as such belonged to the corporation. Before judgment could be given on these questions the Prior died, and we are not told how the matter ended.<sup>1</sup> These disputes about trees in churchyards involved the question of the ownership of the soil on which they grew. In 1531, and again in 1541, the churchwardens of Stratton in Cornwall lopped the trees in their churchyard, and sold the wood. In 1546 they received money for the "browse" or young shoots of the church hedge.<sup>2</sup>

About 1530 we find the corporation of Coventry acting as lords of the nave of St. Michael's church, by receiving a surrender of a chapel therein and admitting fresh tenants. There was a chapel on the south side, known as the Cappers' Chapel, which up to the year 1531 had been maintained by an association of card-makers, who made cards for combing wool. But the card-makers being a declining company, and the cappers, or cap-makers, numerous and wealthy, it was determined that the latter should be associated with them in the maintenance of this chapel, and that

<sup>1</sup> *Coventry Leet Book* (E.E.T.S.), pp. 443-473.

<sup>2</sup> "For wode of the lopping of the treys yn the cryche erth, 1s. 1d."—*Archæologia*, xlv. pp. 199, 219.



the two associations should sit together therein to hear divine service. Accordingly on the 8th of January, 1536, the card-makers, with the saddlers, conveyed (surrendered) to the corporation "ther chappell within the parishe church of seynt Michell." The conveyance was followed by another deed, dated a few days later, whereby the corporation conveyed and surrendered the chapel to the cappers.<sup>1</sup> Technically these documents were not surrenders and admittances, because the word "convey" is used, but they were so virtually. Here, then, we have a corporation, or local governing body, which professed to be, or was, the lord of the nave of a church, and which received a surrender of a portion thereof, and admitted other tenants. And yet if the Prior's contention was right, the churchyard and presumably the ground on which the nave of the church stood belonged to him as rector.

We have already seen that the lord and the priest were once identical; that the churchyard, like the enclosure surrounding the hall, was fortified, and cannot, in many cases, be distinguished from that enclosure; that the church itself was often fortified; that some early churches show traces of their descent from dwellings, and even were dwellings; that the lord's brewhouse, which adjoined the churchyard, or was in the churchyard, became the church-house; that the lord's bakehouse, which adjoined the churchyard, became the public bakehouse, and, like the brewhouse, was managed by the churchwardens; and that chief rents for the brewhouse and the bakehouse were paid to the lord. Among all these traces of the evolution of the church and its adjuncts from the lord's dwelling it will not surprise us to find that the lord or rector was the legal owner of the ground on which the manorial church stood, and also of the churchyard. We have seen, for instance, that in 1559 the churchwardens of Bishop's Stortford paid eightpence "to Mr. Parson" for two years' rent for the church,<sup>2</sup> and this was clearly either a chief rent or an

<sup>1</sup> Sharp's *History and Antiquities of Coventry*, 1871, pp. 29 f.

<sup>2</sup> Archdeacon Hale showed that pensions paid by churches "may be regarded in each instance as an acknowledgment of a due to a chief lord."—*Register of Worcester Priory*, p. xxvi.

acknowledgment that the legal estate, or the freehold, was in the parson. But the legal estate is one thing and the beneficial estate another. Nobody would say that because a church-house was subject to an annual chief rent of fivepence payable to the lord the church-house was the lord's property. When, therefore, the Welsh Laws say that the community and the parsons are the owners of the church, we may take the statement as applicable to English churches also. The lord was only beneficial owner of the chancel. The members of the village community in whose district the manorial church stood were the beneficial owners of the rest of the building and of the churchyard, subject, as appears to have been the case, to a chief rent.

We must be careful not to confound the ownership of the church fabric with the ownership of the advowson. The advowson of a manorial church could belong to two or more persons. In Domesday, and also in later records, we are told of fractional parts of churches, just as we have fractional parts of manors. At Boxford, in Suffolk, we read in Domesday of the twelfth part of a church. A century later we hear of the fourth part and the eighth part of Whalley church, in Lancashire,<sup>1</sup> and it will be remembered that the rectory of this place was a manor. All these were fractional parts of advowsons, not of church fabrics. In other words they were parts of manors, and we have seen that *ecclesia* could mean manor.

In one or two instances, however, the church fabric was structurally divided between the incumbents of two medieties. More frequently two churches were built in the same churchyard, probably as the result of the partition of a manor. Up to the year 1637 the church of Houghton Conquest, in Bedfordshire, was divided into two portionable parsonages called Houghton Franchise and Houghton Geldable.

The rectory of Pakefield in Suffolk "was in medieties from a period before the Norman Conquest, each mediety having its patron, who presented to his portion upon every

<sup>1</sup> *D. B.*, ii. 291; *Coucher Book of Whalley*, i. pp. 40, 91.

vacancy in succession, and not in alternate patronage ; so that there were two rectories, and two incumbents in one parish church. . . . The church, which was evidently erected for the equal accommodation of two congregations, consists of two portions or aisles, of similar architecture and dimensions, divided by a range of seven pointed arches, resting on octagonal pillars, finished with plain moulded capitals. Each portion had its separate altar, raised on a flight of steps, beneath which was a charnel-house, common to both medieties, and formerly entered from without, though now approached by stairs beneath a trap-door in the northern aisle. . . . Stairs in the north and south walls gave access to the respective rood-lofts." One of the incumbents, who died in 1451, is described on a brass effigy as "rector medietatis istius ecclesie in parte australi," rector of the south side of this church.<sup>1</sup> There was a similar division at Staveley, in Derbyshire, when we are told of a rector of the north side of the church (*rector ecclesie ex parte boreali*).<sup>2</sup>

At Lymm, in Cheshire, the benefice was in medieties at the time of the Norman Conquest ; in that portion of the township which belonged to Gilbert de Venables was half a church with half a yardland ; in the other portion belonging to Osbern, the son of Tezzo, was half a church with half a yardland quit of geld. The sections of this church had not been united in 1810 ; the duty was performed on alternate Sundays by the incumbents of the two medieties.<sup>3</sup>

The little church of Fordley, in Suffolk, now demolished, stood in the same cemetery in which that of Middleton stands. "These fabrics were so near each other, that complaint was made to the Bishop of Norwich, in February 1620, that when service did not begin and end at both churches exactly at the same time, the bells and congregation of one church disturbed those of the other ; and an order was made thereupon that the same minister

<sup>1</sup> Suckling's *Suffolk*, i. pp. 282-7.

<sup>2</sup> *Derbyshire Archaeological Journal*, xxxiii. p. 167.

<sup>3</sup> *D. B.*, i. 267 a and b ; Morgan's *England under the Normans*, p. 103.

should serve both, and officiate in Fordley church one week, and in Middleton the other." <sup>1</sup>

At Wantage, in Berkshire, there were formerly two churches in one churchyard; when Domesday was compiled two-thirds of this benefice were in the king's hands, having belonged to the late Bishop Peter; the remaining third with one hide was held by William the deacon under the king. At Willengall, in Essex, there are two churches together in the same churchyard. <sup>2</sup>

To sum up the present chapter, the manorial church—and that was the commonest type—belonged, as regards its chancel, to the lord, and, as regards the other parts of the building, to the village community. The converse never occurs; we never find that the community were the owners of the chancel, and the lord of the rest of the building. It will be seen, however, in the next two chapters that there were churches which belonged entirely to individuals, or to municipal bodies which were themselves lords of manors.

<sup>1</sup> Suckling's *Suffolk*, ii. p. 315.

<sup>2</sup> Morgan, *op. cit.*, p. 103.



## CHAPTER XXIII

### NON-MANORIAL CHURCHES'

THERE have been churches in England which belonged to one man, and could be bought and sold like other property. In the account which Domesday gives of the town of Hertford we find one layman selling two churches to another, the vendor having the power both to give and sell them.<sup>1</sup> An Anglo-Saxon inscription at Kirkdale, in Yorkshire, sets forth that "Orm the son of Gamal bought St. Gregory's minster when it was all ruined and fallen down, and caused it to be rebuilt from the ground for Christ and St. Gregory in the days of King Edward and Earl Tosti." No church, however, is mentioned in Domesday.<sup>2</sup> In 1054 a man who is described as Brithmer at Gerscherche (Gracechurch), by the consent of Archbishop Stigand, gave to the convent of Christchurch, Canterbury, the homestead (*hómestæl*) on which he resided and the church of All Hallows after his day, and after the day of Eadgifu his wife, and after the day of his children Eadmer and Æthelwine, for the redemption of their souls. There was a proviso that the service in the church should be kept up.<sup>3</sup> We are not told that Brithmer was a priest, but he was evidently the owner of the church, and derived an income from it. Accordingly there is a strong presumption that when a church has derived its name from a man he was its owner. Many churches bear the names of men. Thus Ormskirk and Oswaldkirk in Lancashire contain the men's names Orm and Oswald; Romaldkirk near Barnard Castle contains the man's name Rumweald; Algarkirk

<sup>1</sup> *D. B.*, i. 179.

<sup>2</sup> Rickman's *Gothic Architecture*, 1862, p. 65; *Yorkshire Archæological Journal*, v. p. 149; Earle's *Anglo-Saxon Literature*, p. 49.

<sup>3</sup> Thorpe's *Diplomatarium*, pp. 372-373. Cf. Register of Worcester Priory, xxv.

near Boston contains the man's name Algar or Alfgar. In Germany Foerstemann has given a list of numerous churches which from the eighth to the ninth century bore such names as Sigeharttes-chiricha and Wulfredes-kirika.

The Synod of Chalons in 813, followed by that of Mainz in 852, directed that a church was not to be divided amongst heirs. The custom had been for churches built on *private estates* to be so divided, and such was the animosity caused thereby that an altar was sometimes divided into four parts, with a separate priest for each part.<sup>1</sup>

In the account which Domesday gives of Norwich a man called Edstan is described as holding eighteen acres of arable land, four acres of meadow, and two churches in the burg, together with the sixth part of a third. Another church in Norwich, dedicated to St. Martin, which had twelve acres of arable land, was held by Archbishop Stigand in the time of King Edward, but at the time of the Survey it was held by William de Noiers of the archbishop in fee, as if it were a freehold estate.<sup>2</sup>

As there were churches which belonged to individual men, so there were others which belonged to monastic communities or to tribes. St. Patrick is said to have built for Justian, the presbyter, the church which afterwards belonged to the *familia*, or monastic community, of Ard Breain (Ardbreccan, in Meath).<sup>3</sup> In Ireland the tribe of the patron saint or founder succeeded to the church.<sup>4</sup>

In his description of Wales, Geraldus Cambrensis, who was born in Pembrokeshire about A.D. 1147, says: "All their churches have almost as many parsons and shareholders as there are families of chief men in the parish. The sons also succeed to the churches on the decease of

<sup>1</sup> "Ut heredes ecclesiam non dividant. Perlatum ad nos est, quod inter heredes ecclesiæ in rebus propriis constitute dividantur et tanta per eandem divisionem similtas oriatur, ut unius altaris quattuor partes fiant et singule partes singulos habeant presbiteros."—Stutz, *Gesch. d. Benefizialwesens*, p. 271.

<sup>2</sup> "Et in burgo quedam ecclesia sancti Martini quam tenuit Stigandus T.R.E. et xii. acre terre. Eam habet modo Will' de Noiers ad feudum Stigandi."—*D.B.*, i. 116.

<sup>3</sup> "Fecit ecclesiam Iustiano prespetero iuxta Bili Tortan, quæ est apud familiam Aird Breain."—*Tripartite Life of St. Patrick*, ed. Stokes, pp. 185, 330.

<sup>4</sup> *Ancient Laws of Ireland*, ii. pp. lxxiii, f; 73-79. Elaborate rules about the succession of the tribe are given in the laws.

their fathers, not by election but by hereditary succession, holding them by hereditary right, and polluting the sanctuary of God." <sup>1</sup> The chief men in the parish, according to Mr. Seebohm, were *uchelwrs*, or privileged tribesmen, and the churches were portionary or tribal churches.<sup>2</sup> The laws of Howel the Good mention "the lay proprietors of the church."<sup>3</sup>

St. Bernard, in his *Life of St. Malachy*, makes the following remarks about the condition of Armagh when Celsus became abbot in 1105. "A scandalous custom," he says, "had been introduced by the diabolical ambition of certain of the nobles, that the holy see should be obtained by hereditary succession. For they allowed no one to be promoted to the bishopric except such as were of their own tribe and family. Nor was it for any short period that this execrable succession had continued, as nearly fifteen generations had already passed away in this villainy; and so firmly had this wicked and adulterous generation established their unholy right, or rather wrong, which deserved to be punished with any sort of death, that although, on some occasions, clergymen of their blood were not to be found among them, yet bishops were never without. In fine, there had been already, before the time of Celsus, eight individuals who were married and without orders, yet literates."<sup>4</sup> The bishopric was hereditary, like the English hereditary priesthoods already discussed, and it was private or tribal property. There is no ground for believing that up to the twelfth century it had ever been anything else. The *Irish Annals*, as Mr. Skene points out, afford us several illustrations of hereditary succession

<sup>1</sup> "Ecclesiæ vero istorum omnes fere tot personas et participes habent, quot capitalium virorum in parochia genera fuerint. Successive quoque, et post patres, filii ecclesias obtinent, non elective; hereditate possidentes, et polluentes sanctuarium Dei."—*Descriptio Cambriæ*, ed. Dymock, p. 214. In the index Mr. Dymock speaks of "church benefices in Wales, divided amongst the chief men of the several parishes."

<sup>2</sup> *The Tribal System in Wales*, p. 232.

<sup>3</sup> Wade-Evans, *Welsh Medieval Law*, p. 257.

<sup>4</sup> *Vita S. Malachiæ*, c. 7, in Skene's *Celtic Scotland*, ii. pp. 339-40. Lingard (*History of England*, 1854, ii. p. 88) attributes this custom to changes introduced during the invasion of the Northmen, but gives no evidence to support his opinion.

in abbeys. In Ireland, as in England, benefices were hereditary.<sup>1</sup>

The Welsh laws say that the building of a church in a village conferred freedom on its inhabitants. This does not mean freedom from slavery; it means that the village became thereupon a self-governing unit. The Dimetian Code has the following passage: "Three persons whose privileges increase in one day: the first is when a church is consecrated, in a taeog-trev with the permission of the king, a man of that trev, who might be a taeog in the morning, becomes on that night a free man."<sup>2</sup> It also says, "If a church be built, by the permission of the king, within a taeog-trev, and there be a priest offering mass in it, and it be a burying-place, such a trev is to be free thenceforward."<sup>3</sup> At a later time the law is given in Latin, and may be Englished thus: "Three men can be promoted in one day: an unfree man, if he be raised in the office of the twenty-four officials; a second the son of a villan, if he become a clerk; a third is a man from an unfree vill, if the vill have leave from the lord of the country to build a church and bury their dead in its churchyard, then that vill becomes free, and all its men are thereafter free."<sup>4</sup>

The *taeogs* were men who did not belong to the tribal blood, and who therefore had none of the rights of kindred. They were not free-born Welshmen, but, on the other hand, they were not slaves. "They must," says Mr. Seebohm, "be sworn men of some chieftain or lord, on whose land they were placed, and at whose will and pleasure they were deemed to remain."<sup>5</sup> This dependency ceased to exist when the lord had given them permission to build a church, and when that church was consecrated. Thenceforth they were free from his dominion, and

<sup>1</sup> *Tripartite Life of St. Patrick*, ii. pp. 335-6.

<sup>2</sup> *Ancient Laws of Wales*, i. p. 445.

<sup>3</sup> *Op. cit.*, i. p. 543.

<sup>4</sup> "Tres homines promoveri possunt una die: captivus, si movetur in swyd (officio) de xxiiii. officialibus; secundus, filius villani, si sit clericus; tertius homo ex captiva villa si villa habeat a domino patrie licentiam ecclesiam edificare, tunc villa libera fit, et omnes homines postea sunt liberi."—*Op. cit.*, ii. p. 873.

<sup>5</sup> *English Village Community*, p. 196.



managed their own affairs. And the church which they built was their own.

Domesday says that at Helmingham in Suffolk, Godric, a free man, held one-fourth of the church with one and a half acres; that Leuestan, a free man, also held one-fourth, with the same amount of land; and that the remaining half of the church, together with three acres of land, was held by eleven free men. Mr. Redstone thinks that the right to hold the church corresponded with the amount of free land given to it. At Braiseworth in the same county fifteen free men held half a church with fifteen acres belonging to the same.<sup>1</sup>

In some instances churches are said to have been endowed by free men in soul-alms. At Stonham, in Suffolk, there was a church which nine free men had endowed with twenty acres of land for the good of their souls. At Estinfort, in Essex, the church had thirty acres which the neighbours had given in alms. At Barton, in Suffolk, the church had fifty acres of free land in alms.<sup>2</sup>

But some of these endowments fell into the hands of monks, who claimed them as their own. Thus in 1277 the annalist of Dunstable says that the parishioners of Tebworth, in Bedfordshire, had given thirty-six acres of arable land and its appurtenances to the mother church at Chalgrave, for which they claimed to have divine service thrice a week, as had been usual. But the monks obtained possession, and in 1286 the men of Tebworth grew violent, and demanded that the prior of Dunstable should make them a chantry in the chapel of Tebworth, or return the lands which their progenitors had anciently given for the endowment of such a chantry.<sup>3</sup>

Here and there we find the inhabitants of certain districts building and maintaining chapels and churches at their own cost. In 1337 the inhabitants of Skirlaugh, Arnold, and Rowton, near Hull, found and maintained a priest to celebrate daily in the chapel of Skirlaugh, with cure of souls, but without prejudice to the mother church

<sup>1</sup> V. B. Redstone in *Memorials of Old Suffolk*, pp. 27-8.

<sup>2</sup> *D. B.*, ii. 438; i. 361 b.

<sup>3</sup> *Annales de Dunstaplia*, pp. 277, 329.

of Swine. The inhabitants also found books, chalices, vestments, lights, bread and wine, and other necessities, and undertook to repair and maintain the chapel. Skirlaugh was a chapel-of-ease to Swine, and the priest was presented by the Prioress and Convent of that church.<sup>1</sup> In 1400 a commission was granted to the parishioners of Marston, near York, because their church was far distant from their habitations, and also ruinous, to remove the building to another place, and there build themselves a new parish church.<sup>2</sup>

When a church is said to have belonged to the "parishioners," the "inhabitants," or the "community," we must limit those terms to the landowners of the township, and generally to the freeholders. In Domesday it is only free men who have shares in churches, and it is obvious that mere residence in a township would not confer on a man the rights enjoyed by the successors in title of the landowners who founded, and had shares in, a particular church.

In the later mediæval period the vestments of a parish church in all cases belonged to the inhabitants. On the dissolution of the Priory of Cartmel in 1537 the Earls of Derby and Sussex found it necessary to apply to the Chancellor of the Duchy of Lancaster to ascertain what was to be done with a suit of copes claimed by the inhabitants of Cartmel as belonging to the church thereof, having been the gift of one Brigg.<sup>3</sup> This church, as we have seen, had been divided between the inhabitants and the monks.

In some cases bodies of landowners are still patrons, if not owners, of churches and their endowments. Many of these were "field-churches," or subordinate churches which had no tithes, and no rights of burial.<sup>4</sup> The author of an old book on wills, printed in 1590, says that "the Lord hath no title to . . . the aduowsement (advowson) of a church belonging to the villeine."<sup>5</sup>

The chapel at Chapel-en-le-Frith, in Derbyshire, was

<sup>1</sup> Thompson's *Priory of Swine*, pp. 39, 191.

<sup>2</sup> Drake's *Eboracum*, p. 393.

<sup>3</sup> Stockdale's *Annals of Cartmel*, p. 166.

<sup>4</sup> Thorpe's *Ancient Laws and Institutes*, i. p. 361.

<sup>5</sup> Swinburn's *Testaments*, p. 44.

originally built by the inhabitants, and consecrated between the years 1224 and 1238. In 1624 the minister, who was known as the chaplain before 1521, was elected by the twenty-seven freeholders of the chapelry. The same number of freeholders elected him in 1749, and when a vacancy occurred he was till lately elected by the freeholders, but the most recent Clergy List says that "the ratepayers" are the patrons. This, however, cannot be the fact, unless some change has been made by an Act of Parliament. According to Dr. Cox the chapel was built on Crown lands purchased in 1225 from William Ferrars by the foresters and keepers of the King's Forest in the Peak, and it became known as a parish church in 1318. The mother church was Hope, which belonged to the Dean and Chapter of Lichfield. In 1350 the Dean and Chapter attempted to repel the intrusion of Thomas del Clough, a nominee of the Queen, into the chaplaincy, but how the matter ended we are not told. The tithes belonged to the Dean and Chapter, and in 1434 they leased them to the chaplain for an annual rent of £8, to be paid in Tideswell church.<sup>1</sup> We are reminded of the heritors who, by the law of Scotland, are the owners of land in a parish which is liable to public burdens, and have vested in them the fee simple of the church and churchyard.

The minister of Elton chapel, near Youlgreave, in Derbyshire, is appointed by the majority of householders in the chapelry; in the last Clergy List the inhabitants are said to be the patrons. An old document, according to Dr. Cox, says that the right of presentation is in the parishioners, and has been so beyond the memory of man. He also says that twenty-seven of the chief inhabitants, or the major part of them, chose the minister. On the enclosure of the commons in 1809, fifty acres were awarded in lieu of tithes. The township is a manor, and the living a perpetual curacy.<sup>2</sup> How the chief inhabitants and their minister acquired the tithes is not clear.

<sup>1</sup> Lysons, *Derbyshire*, p. 74; Cox, *Churches of Derbyshire*, ii. pp. 142, 147; Jeayes, *Derbyshire Charters*, Nos. 620, 627.

<sup>2</sup> Lysons, *op. cit.*, p. 305; Cox, *op. cit.*, iv. p. 500; Bagshaw's *History and Directory of Derbyshire*, 1846, p. 562.

The chapelry of Haworth, in the parish of Bradford, has for its patrons the vicar of Bradford and certain trustees. On the death of one of the ministers in 1819 the vicar nominated Mr. Redhead. The parishioners, however, thought that they had been unjustly deprived of their rights, and their opposition was so violent that Mr. Redhead was obliged to retire, and the Rev. Patrick Brontë was appointed in his place. Mrs. Gaskell has related how on the second Sunday after Mr. Redhead's nomination the aisles of the church were purposely left empty, to enable a man to ride into the building on an ass, with his face turned to the tail, and as many old hats piled on his head as he could carry. On the third Sunday a drunken sweep, who had been brought into the church, climbed up the pulpit stairs and attempted to embrace Mr. Redhead, who in the end had to run for his life. It seems that the funds from which the minister's stipend mainly proceeded were in the hands of trustees, who had the power to withhold them if a nominee was sent of whom they did not approve.<sup>1</sup> It appears from a deed made in 1566 that the inhabitants had raised the sum of £36 [£360?] and invested it in the purchase of three messuages and 42 acres at Stanbury, near Haworth, in trust to pay the income to the minister of Haworth for the time being. The deed provided that if the trustees should at any time be debarred in their choice or nomination of a minister they might apply the income to other purposes. In a terrier of 1825 it is stated that the minister had the rent of a croft at Haworth, about an acre in breadth, and of five farms in Stanbury containing in the whole 42 acres. In 1320 a monition issued from the Ecclesiastical Court at York commanding the rector of Bradford to pay to the chaplain of Haworth 20s.; the vicar of Bradford two marks and a half, and the inhabitants one mark. The Parliamentary Survey of 1655 says that the minister had for his salary £27, 13s. 4d. a year, arising from lands allotted to that use. The following note occurs in one of Archbishop Sharp's manuscripts:

<sup>1</sup> Gaskell's *Life of Charlotte Brontë*, 1878, pp. 21-5.



"The curate of Haworth is nominated by the vicar of Bradford, in conformity to the choice of the freeholders, and particularly the trustees of lands heretofore purchased for the augmentation of the curacy, and at their instance and request." "Probably," says Mr. James, "the ancient pension due from the rector and vicar of Bradford, and the freeholders of Haworth, had by consent been commuted, and these lands purchased in its stead."<sup>1</sup>

The old minutes of the parish of Bromley St. Leonard, Middlesex, show that the incumbent appointed by the patron of the benefice (which was a donative) was in 1678, and again in 1690, chosen minister with the consent of the parishioners at a vestry.<sup>2</sup> The Four-and-twenty of Alnwick appointed the minister, clerk, and sexton of the parish church.<sup>3</sup> The church of the parochial chapelry of Nether Peover, in Cheshire, said to be the finest example of timber-built churches extant, is stated to have been built by the chief parishioners in 1296. In 1703 the vicar of the chapelry of Siddington, in this county, was nominated by the inhabitants.<sup>4</sup> The resident landowners of Orton, in Westmorland, where the church is of the twelfth century, appoint the vicar. It has been supposed that the collaboration of the members of a free community in the establishment of the local church is a thing of the greatest rarity, but that is probably because the evidence has not been fully examined. One very early instance may be mentioned. In A.D. 778 Lauperht the priest handed over to the episcopal church of Freising an oratory in the vill of Assling in Bavaria. This was done by the consent of the neighbouring inhabitants, who had themselves founded this house of God (*firmanentibus ipsis vicinis, qui hanc ipsam condiderunt domum dei*).<sup>5</sup>

<sup>1</sup> James, *History of Bradford*, 1866, p. 354, and Continuation, pp. 283-4.

<sup>2</sup> Webb's *English Local Government* (*The Parish and the County*), referring to J. Dunstan's *History of the Parish of Bromley St. Leonard*, 1862, p. 61.

<sup>3</sup> Webb's *English Local Government* (*The Manor and the Borough*), i. p. 189.

<sup>4</sup> Ormerod's *Cheshire*, ed. 1882, iii. pp. 140, 729 n.

<sup>5</sup> Baldwin Brown, *The Arts in Early England*, i. p. 288, referring to Meichelbeck, *Historia Frisingensis*, i. p. 61.

## CHAPTER XXIV

### CIVIC CHURCHES

IN cities and large towns churches were generally the property of burgesses. Domesday Book, for example, says that at Norwich the burgesses held fifteen churches, to which belonged 181 acres of arable land and meadow in alms. In the reign of King Edward twelve burgesses had held the church of the Holy Trinity, but at the time of the Survey the bishop held it as a gift from the king.<sup>1</sup> One of the first glimpses, says Professor Maitland, that we have of Cambridge after that given by Domesday Book shows us a guild building a church. The church of St. Nicholas, Coventry, was supported by the guild of Corpus Christi in that town.<sup>2</sup> The burgesses, as we shall see, treated the officiating clergy of these churches as their servants.

When the churches of St. Nicholas and St. James at Hedon fell into disuse, they were sold by the mayor and burgesses. No dates are given, but Leland says that there were three parish churches "in tyme of mynde," only one of them, St. Augustine's, being in existence when he wrote his *Itinerary*. It seems that the church of St. Augustine also belonged to the mayor and burgesses. Over the school which stood in the churchyard were two chambers, and in the churchwardens' roll for 1429 it is recorded that the mayor and commonalty had let one of them to the master of the builders whilst the tower was being erected. The churches of St. Nicholas and St. James were originally known as chapels.<sup>3</sup>

Before the Reformation the parish church of St.

<sup>1</sup> *D. B.*, i. 116.

<sup>2</sup> Maitland's *Township and Borough*, p. 177; M. Dormer Harris, *Life in an Old English Town*, p. 201.

<sup>3</sup> Boyle's *Early History of Hedon*, 1895, pp. 92-4, 146-7, cxxiv.

Nicholas, Aberdeen, belonged to the provost and bailies of that city, as it does to this day. This is proved by the various acts of ownership which they exercised over the building, and by their control of its ministrants. In 1453 the common council ordered that all chaplains who had altars in that church which had been endowed by worthy men of the town should perform service daily, or be expelled from their chaplaincies, unless they could give a sufficient excuse to the alderman and to the corrector of the choir, and when expulsion took place it was ordered that the alderman should dispose of the vacant chaplaincies by the advice of the common council. In 1472 two chaplains were appointed by the alderman and council at salaries to be paid out of the common funds of the borough. In the records of old cities much confusion arises from the various titles by which the governing body is described, but it will be seen that "alderman and council" and "provost and bailies" are here equivalent terms.<sup>1</sup>

In 1475 the governing body, as we shall now call it, of Aberdeen ordered that the chaplains of the Rood Altar, or of the Brown Cross, should divide all offerings between them. In 1488 they granted the prayer-bell to one Sandy, with all its freedoms, commodities, and easements. Sandy's duty was to ring the bell daily at noon, and at six o'clock in the afternoon, as the custom was, for all Christian souls. In 1498 the governing body granted twenty shillings to the bellman to buy him a *pee* to pass every Monday through the town in the morning, and name and pray for the souls mentioned in a list supplied to him as the custom had been in past times.<sup>2</sup>

Whilst a pestilence was raging in 1514 the governing body made certain orders for the reformation of their mother church, for the honour of God, the Blessed Virgin, and their glorious patron St. Nicholas; for "the keping of the toun fra strang seiknes," and from their old enemies of England. Song-books were to be provided for the choir frontals, towels for the high altar, brass candle-

<sup>1</sup> *Council Register of the Burgh of Aberdeen* (Spalding Club), i. pp. 20, 31.

<sup>2</sup> *Op. cit.*, i. p. 31.

sticks, brass lecterns, vestments, and ornaments for the high altar, a chalice, mass-book, and all other things necessary for the altar, church, and choir. To pay for these things a rate was levied on wool, hides, and salmon exported from Aberdeen to Flanders or Zealand. It was also ordered that at the making of every burgess or free-man a crown should be paid towards the repair of the church and choir, and that no unfree person should be allowed to sail from those parts unless he paid two crowns for the same purpose. A similar rate, to be applied towards the repairs of St. Nicholas church, was levied in 1449 on wool and hides exported to Bruges.<sup>1</sup>

In 1493 a large number of persons bound themselves to contribute to the governing body certain gifts in money or kind for buying lead and other materials to repair the choir of the parish church of St. Nicholas. The gifts were chiefly in kind, and consisted mostly of barrels of salmon. Some contributed lamb skins, and "lentrinvairs," or skins of lambs that had died in spring. In 1503 the governing body fixed the charge to which the sacristan was to be entitled for each grave which he dug, and gave orders about the ringing of curfew and the bell called St. Lawrence. In 1505 they gave directions about the keeping of the jewels and ornaments of their church. They fixed the weathercock on the steeple. On the 26th of May 1533, they appointed a pinder of the churchyard, who was to receive 4*d.* for every beast which he impounded, and if, after that date, he permitted any beast to enter the churchyard without impounding it, his neck was to be put in the "gouchf," at the will of the governing body. In 1541 they gave leave to certain craftsmen to repair and decorate the altar of St. John, provided that their work remain the property of the town. News having reached the governing body in 1559 that certain persons were destroying churches and religious places, it was thought expedient to remove the town evidences, and also the silver work and the most costly ornaments, from the

<sup>1</sup> *Op. cit.*, i. pp. 88-90.



church. In 1561 the silver, brass, and ornaments of the church were sold for £540, the money to be applied to the good of the town, as the whole community should think fit. An order of the governing body made in 1555 says that "the tounne ar patronis" of the church.<sup>1</sup>

In a series of regulations for the trade and welfare of Bristol, made in the fourteenth century, it was ordained that no burgess of the town should give to any priest more than £5 a year on any pretence, or his board and £2 a year, under pain of rendering to the community as much as he gave to the priest. And if any such priest was taken in fornication he was to be removed immediately, and not received into the service of the burgess again.<sup>2</sup> In 1492 the mayor and community of Coventry ordained that all crafts that find priests to sing and pray for them should charge them to keep the choir on week days as well as holy days.<sup>3</sup> These priests were the servants of the burgesses.

At Coventry we find the burgesses or parishioners, through their agents the churchwardens, letting a room in a church to the vicar—apparently for his own occupation. In 1570 the churchwardens of Trinity Church in that city granted to the vicar a lease for 21 years of a chamber with a chimney on the north side of the church, at the yearly rent of 12*d.* The chamber was over St. Thomas's Chapel, and was then in great ruin and decay. Nevertheless the vicar agreed to keep it in repair.<sup>4</sup>

By its first charter, which was granted by James III in 1486, Kirkwall, in the Orkneys, was made a royal burgh, with the right of holding courts and many other privileges. Not only were all market dues, fairs, and customs granted to the corporation, but also the church of St. Magnus, now called the cathedral, and other churches. The grant included all prebendaries, teinds, or tithes, and certain lands and houses, with full power for the corporation to

<sup>1</sup> *Op. cit.*, i. pp. 48, 72, 75, 86, 149, 176, 323, 329, 293.

<sup>2</sup> *Little Red Book of Bristol*, ii. p. 228.

<sup>3</sup> *Coventry Leet Book*, ed. M. Dormer Harris, pp. 544-5.

<sup>4</sup> M. Dormer Harris in the *Coventry Herald*, 5th and 6th July 1912.

take and receive the rents, and bestow them upon the repair and maintenance of the church of St. Magnus. This church is of a mixed Norman and Gothic style, and goes back to 1137.<sup>1</sup> Grants like this are usually declarations, with modifications and additions, of pre-existing rights, and we may be sure that the king did not take away property which belonged to a religious association and give it to a municipal corporation. It must have already belonged to the corporation.

In 1415 the mayor and aldermen of York directed the Corpus Christi pageant, in which all the artificers of the city appear to have taken part. In 1441 the Court Leet of Coventry gave directions about the Corpus Christi pageant. A memorandum of 1465 in the Leet Book states that the mass of Jesus was begun in that year by the exertions of the mayor. In 1427 the mayor of this city and the church-reeves of St. Michael's directed that certain debts owing in the time of King Henry should go to the use of the vestments in that church. At a Leet held in 1429 it was ordained that the hermitage at Gosford-gate be [still] used as a hermitage, and that the mayor put there what hermit he will, so that he be of honest conversation and a virtuous man. In 1446, however, the Leet granted the hermitage to a tailor, on condition that he should keep it in repair.

At Dartmouth, where the parish church was built by the mayor, a dispute arose between him and the vicar whether the corporation or the vicar should have the fees for masses. A fresh dispute was raised every thirty years, when it had come to be a question of pew rents, and a compromise was made.<sup>2</sup> Sometimes the townspeople laid claim to the fees paid for masses.<sup>3</sup> At Plymouth in 1489 the corporation gave instructions as to what kind of vestments the priests were to wear at funerals.<sup>4</sup>

In 1573 the corporation of Great Yarmouth ordered

<sup>1</sup> Tudor's *Orkneys and Shetland*, 1883, pp. 225-6.

<sup>2</sup> Green's *Town Life in the Fifteenth Century*, i. p. 157.

<sup>3</sup> *Historical MSS. Commission*, vi. p. 495.

<sup>4</sup> *Op. cit.*, ix. p. 272.

the minister to begin prayers at five o'clock in the morning, winter and summer alike; and that for every time he overslept himself and neglected his duty, he was to be fined twelve pence, which was to be deducted from his stipend at the end of the quarter. In this town the register of baptisms, marriages, and burials, beginning in 1598, is described as made "in the tyme of Ralfe Wollus and Thomas Nicholson, balifes," they being the chief officers of the corporation. In 1805 the corporation ordered that the minister's surplices be washed thirty-six times a year instead of twenty-three, at such times as the minister should direct, the washing to be at the expense of the churchwardens. At the same time they ordered that no burials should be permitted in the body of the church, or in either of the chancels and aisles belonging thereto, unless the parties requesting the same should first undertake to build an arch over the proposed grave. They fixed the charge for each burial at twenty shillings.<sup>1</sup>

In 1423 a house was granted to the mayor, bailiffs, and burgesses of Coventry on the condition that they should cause an obit to be kept in the chapel of St. Lawrence belonging to St. Michael's church. Other obits were also kept under the direction of the corporation.<sup>2</sup> In 1456 the masters of the guilds and all the churchwardens were ordered by the corporation to give in their accounts, and the churchwardens were to be fined forty shillings for every default, one half to go to the church and the other to the mayor. In 1496 the corporation fixed the charges for ringing death-peals, the amount depending on the number of bells rung.<sup>3</sup>

In city churches the ownership of pews, or of seats in pews, appears to have differed from that which prevailed in country parishes. At St. Edmund's, Salisbury, it was the "ancient use and custom" that on the death of a man and his wife the seat reverted to the church, and had to be recompounded for. There seems to be no distinct evidence

<sup>1</sup> *St. Nicholas Church, Great Yarmouth* (Yarmouth, E. L. Lupson, n.d.).

<sup>2</sup> *Sharp's History and Antiquities of Coventry*, 1871, p. 43.

<sup>3</sup> *Coventry Leet Book*, pp. 295-6; Sharp, *op. cit.*, p. 65.



of a pew having been sold. Money, however, was sometimes paid "for the ground the pew stood upon," but this was only for the lives of the builder of the pew, his wife and children. The earliest accounts of St. Edmund's begin in 1461, and the first mention of seats occurs in 1477 under the heading of *assertaciones sedilium* (claims to seats), when a man paid 6*d.* for a seat assigned to him, and another man paid 1*s.* for two seats. Absentees from the city lost the right to have a seat reserved, and could only hire one quarterly. In 1629 the vestry declared "that the ancient use and custom of this church hath been that every seat . . . belongeth to the church, and when any man or woman hath agreed and compounded for a seat, or place in any seat, shall die, that the seat, or place in the seat, falleth to the church, and that the churchwardens are to place such other as shall compound for the same for the benefit of the church ; and that no seat of this church doth belong to any house or family whatsoever." In 1651 unlet seats were ordered to be nailed up.<sup>1</sup> It is clear that the church belonged to an association of persons, and that strangers had no right to be seated there.

The property in this church, *so far as it was collegiate*, passed by Act of Parliament to Henry VIII. The collegiate interest remained in the hands of the Crown until 1609, when it passed through several hands, but was ultimately conveyed to the parishioners. The churchyard, ditch, and wall were, however, reserved, and this reservation gave rise to endless suits. The churchyard was leased, and on one occasion the churchwardens had to pay for a lessee's cow which apparently had escaped from the churchyard and had died in the pound. The joistment cattle were a sort of annoyance to the churchwardens, coming into the porch, and even into the church itself. In 1638 Sir Giles Estcourt gave the churchyard to the parish, but previous to this he had sold the trees therein. In 1640, at a meeting of "the gentlemen of the vestry," a rector was elected in the place of the late minister. In 1653

<sup>1</sup> Swayne's *Churchwardens' Accounts of S. Edmund and S. Thomas, Sarum*, pp. xxi, 190.



the vestry of St. Thomas in this city elected the minister.<sup>1</sup> In these and many similar cases there had been a monastic, or collegiate, interest, as well as a parochial, or communal, interest, in the church and churchyard. The collegiate body of St. Edmund's were, or believed themselves to be, the owners of the soil of the churchyard, and accordingly it passed to the Crown, and was treated as an ordinary freehold estate which the owner for the time being could deal with as he pleased.

<sup>1</sup> *Op. cit.*, pp. xxxi, 208, 210, 212, 330.

## CHAPTER XXV

### RETROSPECT

A BRIEF summary will recall to the reader's mind the chief points in this work. It must throughout be remembered that its several parts are not independent of each other. Thus the evidence supporting the inference that the benefice and the manor were originally the same thing depends in some degree on that which supports the opinion that the hall and the church fabric were once indistinguishable. Again, both conclusions are confirmed by the fact that the lord was the owner of the church-scot and the tithe. And yet again, the inference that the churchwarden was the reeve gains weight, among other things, from the circumstance that, after the Conquest, manorial courts were often, perhaps usually, held in church.

Everybody must have noticed how often a manor-house stands near a church. Here and there, as at Norbury in Derbyshire, it has been joined to the church by an intermediate building. And, as we go further back in time, we find that many early churches were inhabited, in part at least, as dwellings, and retain such features as original upper stories and fire-places. English churches were often used as sleeping-places, and, according to the *Lives of Saints*, the cills or smaller churches of Ireland were so often used for eating and drinking that they cannot be distinguished from houses. Moreover, there is great significance in the fact that, at an early time, certain churches were known as barns or granaries.

Though Alfred's biographer, writing in the ninth century, has told us of halls and chambers, both of stone and of wood, built by the order of that monarch, no manorial hall at present existing is believed to be older than

the thirteenth century. Nearly a century ago Hallam remarked that it is difficult to trace such a building by engravings in the older topographical works. Whenever a mediæval building is seen to have consisted of a smaller oblong room at the end of a larger, it is at once called a church, and the so-called ecclesiologist sees with the eye of fancy an altar here or an image of the Crucified there, notwithstanding the fact that the history of the building may be unknown. Doorways are described as chancel arches. The so-called chancel arch at Bradford-on-Avon is little more than 3 feet wide; the so-called chancel at Weir, in the Orkneys, is only 4 feet high; the so-called chancel arch at Uya, in Shetland, is 5 feet high and 2 feet 2 inches wide, with a head formed of one stone, and the so-called chancel is *west* of the larger apartment. Though it is plain that these and many other such openings are mere doorways leading from one room into another, and though the openings themselves are sometimes rebated for doors, they are called chancel arches, even when there is no arch, but only a flat lintel. The so-called chancel arch of a building at Rona, called Teampull Rona, is so low that you have to creep through it on your hands and knees. It is impossible to believe that all the earlier mediæval buildings in Great Britain and Ireland, of which remains have come down to us, were intended for religious uses alone.

In Ireland the typical dwelling, even of the highest classes of society, consisted essentially of a hall and chamber, there known as a great house and kitchen. In that country there are buildings, erected in this form, which authors have called churches, but which the people, relying on tradition, call houses. St. Columb's House at Kells, St. Flannan's House at Killaloe, and St. Kevin's House, otherwise St. Kevin's Kitchen, at Glendalough, have habitable apartments in an upper story. Though such buildings may have been used for religious worship, the people are right in calling them houses. It is not they who corrupt place-names, and change the old names of buildings. When Patrick founds a church, he always

makes its great house and kitchen of exactly the same dimensions as those of the house and kitchen of the Brughfer—the local magistrate who lives in a “brugh” or “burh.” The church, too, like the Brughfer’s house, is surrounded by ramparts.

A singular proof of the intimate relationship between hall and church may be seen in the identity of the wall of the ancient “burh” with that which surrounded the churchyard. Each “burh” was fortified by an earthen or stone wall, of which the men of the district were bound by custom to maintain specified lengths, and the obligation continued to modern times in the duty which fell on certain landowners of a parish, or manor, to repair specified lengths of the churchyard wall. This stronghold was the refuge of the community in times of danger. It is a highly significant fact that whilst “burh” was applied in the ninth century to a fortified church, the same word, under the form of “berie,” “berry,” or “bury,” was applied, from the twelfth century onwards, to a manor-house.

Within or near the wall of the “burh” there was often a conical mound which, as shown by such names as Hall Tower Hill, may have been surmounted, at a comparatively late time, by a tower. What such mounds were intended for in each particular case can only be proved, if proof be possible, by the spade. But we know that some were barrows, and all may have been. According to the Brehon laws the Irishman who did not make his chief’s burial-mound (*fert*) was liable to be distrained on. Although the ghosts of bad men were feared, those of the good and noble were regarded as a blessing to the neighbourhood. Hence, as with the Norsemen, the remains of an honoured chief or patriarch may have become an object of veneration. When we find, as at Ludlow in 1190, a barrow so near the western end of the church that its removal was necessary in order to extend the church; and when we are also told that the bodies which this barrow contained were those of saints which upon their removal were re-buried in the church; it is plain that we have to do with barrows like those erected near the halls of ancient Norsemen. Both



here and in the Scandinavian countries it was in all probability believed that the virtues of honoured chiefs would pass into the men who preserved their remains. But whilst the Norseman was laid in a mound near his *hall*, the Englishman was laid in a mound near his *church*. Both Norsemen and Englishmen were afterwards buried in the church itself, and we have seen that heathen and Jews were buried in early churches. In the Laxdale Saga we are told that, about A.D. 950, Viga Hrapp, who had been a bad man in his life, was buried, by his own desire, in a standing position, in the doorway of his kitchen (*eldhúsdýrr*), and that he, who had been evil to deal with in his life, was a great deal more so when he was dead, for he walked again, and killed people. Had he been a good man his ghost would have been regarded as a blessing, and in later times he might have been called a saint.

The conclusion that the thane was the hereditary priest so often mentioned in the documents is not likely to pass unchallenged. When the writer began the present study he had no idea that he would ever reach such a conclusion. But it does not seem possible to arrive at any other. The thane, or lord, was the recipient of the church-scot as well as of the tithe. In the Promotion Law, which has been ascribed to the beginning of the eleventh century, the thane who prospered is said to have had a church and kitchen, with a bell-house. If we look in Anglo-Saxon times for the predecessor of the tithe-owning rector of the twelfth or thirteenth century he is nowhere to be found if not in the tithe-owning thane. To say that the rector had no predecessor in Anglo-Saxon times would be to assume that he was a product of the Norman Conquest.

Fustel de Coulanges once said that the offices of chief and priest which all antiquity had confounded were separated by Christianity. That is true; but when was the separation made? As late as the twelfth century there was no distinction in the manors of St. Paul's between lord and priest: the man who presided in temporal matters presided also in spiritual.

Assuming, as we justly may, that the institutions of

Iceland were borrowed from the nearest mainland of Europe, including Great Britain and Ireland, an order of sacerdotal chiefs must have existed in the mother countries as well as in the colony. Nobody will believe that the men who colonised Iceland in the ninth century founded this order. Colonists take their institutions, as well as their language, with them, and in the vernacular literature of Iceland we find a reflection of the laws and customs of the mother countries as faithful as that which appeared, eight centuries later, in New England. When we are told of an English priest called Gode in the tenth century we are reminded of the *gode*, or sacerdotal chief, of the Norsemen. And when we find that this priest gave his land to a monastery, reserving a life-interest to himself, it is clear that his estate, like that of the *gode*, was hereditary.

If it has been shown that the ecclesiastical benefice and the manor were identical, it will be hard to resist the conclusion that priest and lord were also identical. Conversely, if it has been shown that lord and priest were identical, it will be impossible to maintain that the same man held one estate as lord and another as priest in the same village.

Most of the numerous gifts of churches to monasteries before the thirteenth century were gifts of manors. They were held by the monasteries as such, and the religious wants of the tenants were usually supplied by a vicar, or by an "annual priest," who received a portion of the tithe, or a salary. When the dissolution of the monasteries came, and their great estates fell into the hands of the Crown, the benefices which the Crown confiscated, and sold to various purchasers, were seen in very many instances to be manors. And when the Crown ordered such benefices to be sold, churches which had belonged to monasteries were finally severed from their manors. If a confiscated manor could not readily be sold, it was retained until a suitable offer was made, and it sometimes happened that the manorial rights and the tithes were sold to the tenants of the manor as a body, so that both were merged, and in effect extinguished, for ever. But the church and the

churchyard, with the dependent chapels, were reserved, together with a sufficient portion of land for the maintenance of a vicar, and the Crown became the patron of livings which were no longer manors, and had no tithes. But usually the vicarage itself was alienated, and the right of presentation passed into private hands.

The identity of the reeve and the churchwarden is one of the pieces of evidence on which we rely in seeking to prove the identity of the benefice and the manor. Every duty undertaken by the reeve was undertaken by the churchwarden; both were elected by the same authority, and for the same period. The churchwarden, in the sixteenth century at all events, was known as the reeve as well as the church-reeve. The very fact that churchwardens were elected by lords of manors and governing bodies of towns should open our eyes at least to the probability that the officers so appointed had been of long continuance, and that they belonged to the manor. They were not, as Professor Maitland would have had us believe, ecclesiastical officers usurping manorial functions.

In the social history of Great Britain there is no more striking figure than the churchwarden, or an officer who has been so much misunderstood. In the *Oxford English Dictionary* he is defined as "a lay honorary officer of a parish or district church, elected to assist the incumbent in the discharge of his administrative duties, to manage such various parochial offices as by custom or legislation devolve upon him, and generally to act as the lay representative of the parish in matters of church-organisation." This definition is perfectly applicable to the churchwarden of the nineteenth century, but the churchwarden of the fifteenth century was very different. The services of the earlier churchwarden were not always honorary; he sometimes received a salary. He was not elected to assist the incumbent, and his work had little to do with that of the incumbent. He was the representative of the manorial lord, or of the governing body of the manor, or parish. The churchwardens who managed the village bakehouse and the village brewhouse were municipal or



communal traders. Both in baking and brewing, the community, deriving their rights from the lord, had a monopoly, and the fact that the profits were largely spent in keeping the church in repair is no proof that the churchwardens were, as a modern writer has defined them, "agents for ecclesiastical affairs on their temporal side." The affairs of religion were indeed a part of their business, but they were very far from being their whole business. Churchwardens were, for instance, the village bankers and money-lenders. They lent cows, sheep, and even bees at interest, as bankers now lend money. They took goods in pawn, and advanced money on them. They had a storehouse for all kinds of things, and lent or sold them to the neighbours. They kept cows, flocks of sheep, and bees, and sold them at fitting opportunities. They traded in honey, wool, timber, and other things. They were rather the agents for a co-operative society than for ecclesiastical affairs. They were only doing in the fifteenth century what the lord or his agents had done centuries before. In ancient Ireland it was the chief who lent cattle; in England and Scotland it was the lord. There is great significance in the fact that we read in the Brehon laws of "a cow which pays rent to the chief or to the church," such a cow being known as a chief's-rent cow, or a church-rent cow.

In these days of centralised government, and of rapid communication between one place and another, it is not easy to picture to ourselves the fact that each manor was once a petty kingdom, in which the church was the seat of administration. This petty kingdom still exists, but only as a shadow of its former self. One by one its powers and duties have passed into other hands. These changes have not come suddenly, but are the growth of centuries. The machinery of local government has in some degree been restored by Parish Councils and County Councils. The Parish Council is more democratic, but far less powerful, than the council of landowners which met in the church.



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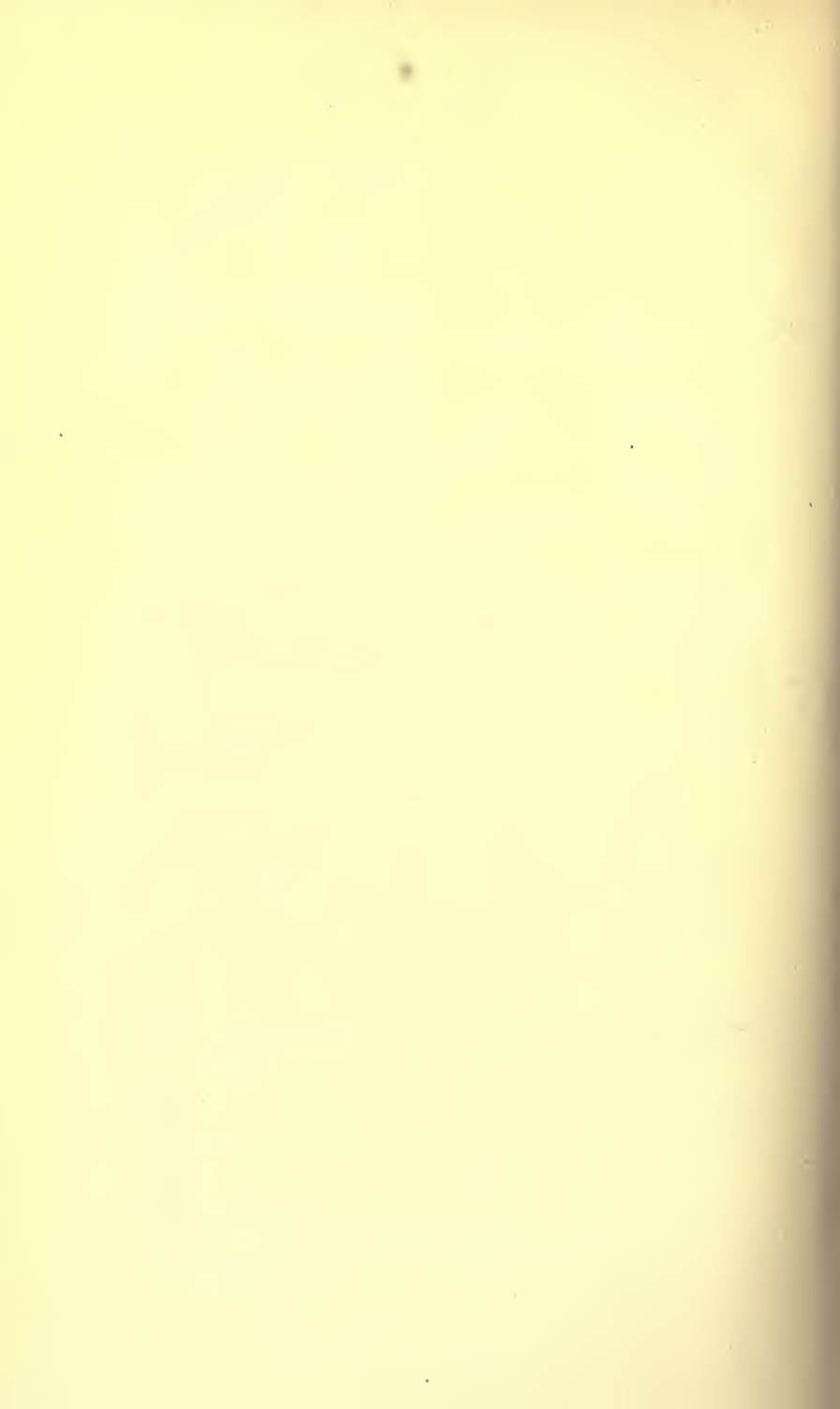
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